

Dr. ARMSTRONG (Gravesend) read a valuable paper on Cauliflower Exerescence of the Uterus, illustrating it by a case in which he had successfully removed the tumour by means of the écraseur.

At the conclusion of the discussion, Mr. HOAR moved, and Mr. DULVEY seconded, a resolution—

“That the sincere thanks of the meeting be given to those gentlemen who have read these papers; and that they be requested to allow them to be published in the JOURNAL, under the title of Transactions of this Society.

Thanks having been unanimously voted to the Mayor of Rochester for the use of the Guildhall, refreshments were introduced; after partaking of which, the meeting broke up at six o'clock—every one present expressing his gratification at the result of this, the first attempt of the kind in West Kent, and his conviction that from such gatherings of the practitioners of neighbouring towns, much good must ensue.

The next meeting of the Society will be held at the Guildhall, Maidstone, on Friday, February 12th, 1858, at 4.30.

Reports of Societies.

JURIDICAL SOCIETY.

TUESDAY, DEC. 15TH, 1857.

VICE-CHANCELLOR SIR JOHN STUART, in the Chair.

LEGAL DOCTRINE OF RESPONSIBILITY IN CASES OF INSANITY CONNECTED WITH ALLEGED CRIMINAL ACTS.

BY FORBES WINSLOW, M.D., D.C.L.

Dr. WINSLOW divided his essay into five principal parts; viz., 1. Nature of insanity in its medico-legal relation; 2. The legal doctrine of responsibility in connection with insanity, associated with alleged criminal acts; 3. The doctrine of partial insanity, or monomania; 4. The existence of homicidal insanity and insane irresistible impulses; 5. Anomalous or mixed cases of mental disorder, involving the question of modified responsibility and the propriety of punishment. In discussing his subject under the first four aspects, he dwelt principally upon the oneness of the mind; and that psychological principle formed the basis of the opinions to which he gave expression. He combated the doctrine that the elementary and essential features of insanity consist in a disorder of the intellectual, as contradistinguished from a derangement of the moral, faculties of the mind, there being no such thing as separate and distinct faculties of that which is in nature one and the same; and, therefore, the courts of law were wrong in laying peculiar stress upon the presence or absence of delusions, as these might arise from sanitary causes. The important point, however, for consideration was what might be the state of the effective or motive powers, what was the state of the volition, and to what degree had the mental diseases destroyed the healthy power of self-control over the thoughts and actions? Here arose the second branch of the inquiry; and after noticing the distinction which Mr. Fitzjames Stephens draws between tests of insanity and tests of responsibility, Dr. Winslow laid down the following as criteria of insanity propounded in the courts of justice: 1st. The presence of delusion; 2nd. Of delusions directly associated with the criminal act; and, 3rd. A capability of distinguishing between what is lawful and unlawful, the capacity of knowing right from wrong, good from evil. These tests he held to be erroneous, as their absence did not necessarily establish in the offender the *malus animus, mala conscientia*, which are the ingredients of criminal guilt. The tests of responsibility, however, upon which the courts acted, might be gathered from the opinions of the judges, delivered in the House of Lords in 1843. First, a person labouring under partial delusions only, and who is not in other respects insane, notwithstanding he committed a crime under the influence of the insane delusion that he is redressing or revenging some supposed grievance or injury, or producing some public benefit, is liable to punishment, if he knew at the time of committing such crime that he was acting contrary to the law of the land. Secondly, to establish a defence on the ground of insanity, it must be clearly proved that at the time of the committing of the act the party accused was labouring under such a defect of reason from disease of the mind as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know he was doing what

was wrong. Thirdly, if a person under a partial delusion only, and not in other respects insane, commits an offence in consequence thereof, he is to be considered in the same situation, as to responsibility, as if the facts in respect to which the delusion exists were real. From these rules of law arose the consideration of partial delusions in their legal relations to crime committed by persons in other respects insane, under the impression that they were doing right, the legal doctrine of partial insanity, and the knowledge of right and wrong, as conclusive evidence of responsibility in cases of imputed insanity. With regard to the first view taken by the judges, they seemed to overlook the distinction drawn by Lord Erskine between the cases of Hatfield and Lord Ferrers, namely, that when a madman commits a crime under the influence of an impression which is entirely visionary, and purely the hallucination of insanity, he is not the object of punishment; but that, though he may have shown insanity in other things, he is liable to punishment if the impression under which he acted was true, and the human passion arising out of it was directed to its proper object. Dr. Winslow, however, went further than Lord Erskine, and maintained that if a man shows insanity in any one respect, he ought to be considered as a lunatic in all; and thus disposed of the third point under which he proposed to consider the subject of his discourse, altogether denying the existence of such a disease as monomania. He quoted the authority of several continental physicians of great experience in the treatment of mental disorder in support of his views. Under the fourth head, he mentioned a number of cases to show the existence of homicidal insanity, and insane irresistible influences; and passed on to consider how far the proof of a man being actuated by such feelings in the commission of a murder should modify his punishment. He was unwilling, he said, to associate the word punishment with a case of that kind, and thought that such a proof should entitle him to his acquittal. As he would, however, even so, be confined for life in a lunatic asylum, he would in reality be subjected to a punishment much more severe than if he were publicly executed.

The CHAIRMAN said he was sure the society must appreciate the great talent which the paper displayed, and the great value of the opinions with which the writer of it had favoured them. Not the least interesting part of it was that in which Dr. Winslow stated particular instances of particular delusions, with their consequences. Of the numerous difficulties which beset the consideration of a question of that kind he entertained the strongest impression; but its importance to the public was quite as great as its difficulty. The great question must be how far that answer of the judges to the question proposed to them in the House of Lords, and referred to in the paper, affected the safety of the people.

Mr. BARON BRAMWELL said, that if the question was whether the sane man or the insane man, both having committed the same crime, was the more entitled to their pity, he would say that the insane man was; but that was not the point which they had to consider. It was how the law was to deal with the commission of an act which it prohibited. In order to solve that question, they should first look to the true theory of punishment. Why was it that society inflicted punishment? It was that it might fulfil upon the offender the threat of the law, else the law itself would be nothing more than a *brutum fulmen*. However, then, it was necessary to threaten, it was also necessary and desirable they should punish; and here arose the question, whom is it desirable to threaten? Was the madman to be exempted from the threat? Certainly not, else the element of uncertainty would creep into the consideration of the punishment, and crimes would be committed by those who might think they would have a chance of escaping upon that plea. He would go further, and say that if we were a community of madmen, we should have laws holding out the threat of punishment for our own good government. It was the greatest possible mistake to hold that a madman should not be affected by the law. When he was trying Dove's case, one witness swore to his being subject to insane irresistible influence, and, as a proof of it, mentioned his having seen him, some few years before that, fire a gun at the risk of killing some one; but that witness afterwards, when asked if he thought Dove would have fired the gun if a policeman had been present, replied, that he did not think he would do so, clearly showing that the knowledge of legality and illegality was not wanting. Indeed, in lunatic asylums, the inmates were under a system of moral government, and were made to conform to its prohibitions and requests. He had, since he sat upon the bench, tried five cases of murder, and in each one

of them the plea of insanity was put forward, but without effect.

Mr. STEPHENS concurred for the most part with the observations of Baron Bramwell, and thought it would be wrong, because a man might imagine his little finger to be made of glass, to acquit him of murder on the ground of insanity.

The CHAIRMAN said the number of instances in which the plea of insanity was put forward was in consequence of the answer of the judges to the question in the House of Lords; and such pleas had been upon the increase since M'Naughten's case; but if public opinion could be fairly tested, it would say that Bellingham had been justly executed and M'Naughten unjustly spared.

Dr. WINSLOW briefly replied, and the thanks of the society were voted to him.

Editor's Letter Box.

THE LIST OF MEMBERS.

LETTER FROM W. H. MICHAEL, ESQ.

SIR,—The great labour of preparing a list of members of the Association, and the desire to make it thoroughly correct, has, I presume, delayed its publication for two months. The end of the year is so close, that I beg leave to suggest deferring the printing of the list until the second or third week in January, when we could also have the names of new members, and also our losses from deaths and resignations. We should then possess a true index of the state of the Association.

It appeared from the Report of the Council at the Annual Meeting, that the state of the finances was "highly gratifying". It would, therefore, be satisfactory to the associates to see published, at the same time, a statement of the receipts and expenditure, also the assets and liabilities, to the end of the year. To establish our solvency, and to prove by figures that we are really advancing, is the true way to increase the number of our members, and the best means to secure progress.

I am, etc., W. H. MICHAEL.

Swansea, December 8th, 1857.

MANCHESTER ROYAL SCHOOL OF MEDICINE.

SIR,—Will you allow me space in your JOURNAL to complain of the uncomfortable condition which has existed three winter sessions in the students' room of the Manchester Royal School of Medicine? The room is almost destitute of seats; only three forms, each about two yards long, are provided for the students to sit on. This disorderly state influences many students to frequent the public houses and billiard rooms, where, once in, they remain, thereby neglecting their lectures and hospital practice, to say nothing of the loose habits which they imbibe, from the mere want of a decent room to sit in. Surely, this could be easily rectified by placing therein a stove, a few comfortable seats, and a table. Trusting you will excuse this intrusion.

I am, etc.,
A MANCHESTER STUDENT.

Manchester, December 7th, 1857.

Parliamentary Intelligence.

HOUSE OF COMMONS.—Thursday, December 10th, 1857.

THE PUBLIC HEALTH.

Mr. COWPER, in moving for leave to introduce a Bill to amend the Public Health Act (1848), said, it was the same Bill which was read a first time last Session, and could not be proceeded with for want of time. Being anxious that the Bill should not be again exposed to the same fate, he had taken the earliest opportunity to introduce it, and he trusted that the House would be prepared to consider it after the Christmas recess. The general object was to provide that every town in England, great or small, should have the opportunity of acquiring, without any considerable cost or difficulty, local representative government, armed with sufficient powers to provide structural works and to make regulations necessary for the sanitary improvement of the inhabitants. The tendency of manufactures and the movement of particular branches of industry caused

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the rapid growth of towns in places which were previously thinly inhabited. The suburbs of Birmingham, Manchester, and the eastern districts of London, had rapidly accumulated very large populations. Houses were built without method and without under-drainage, so that the refuse was carried into some neighbouring ditch, where it remained to create noxious vapours injurious to health. It was hardly to be expected that any private individual would have so much public spirit as to risk the expense, in case of failure, of an application for a private Act, and therefore these places had no organisation at all. Many of the older towns were also desirous of acquiring larger powers than were afforded by the Public Health Act. Both the towns which had and the towns which had not representative government, wished to be able to adopt the Public Health Act, with greater facilities and with provisions more adapted to their wants. He proposed the intervention of the General Board only in cases where the boundaries had to be altered, and where some of the provisions of the Public Health Act had to be modified. The powers to be acquired under this Bill would be for making structural works, borrowing money, supplying water, lighting streets, and providing regulations which were necessary for the good government of these towns. There were some who asked, Why such meddling and such unnecessary interference? The purpose of the meddling was to get rid of the refuse of thousands, which had the effect of substituting disease for health, weakness for strength, and death for life. The number of deaths from preventable causes was estimated at 80,000 a-year, a large proportion of which arose from diseases altogether to be prevented if towns were properly cleansed. It was acknowledged by the highest medical authorities that typhus fever was generated by overcrowding and by noxious exhalations; and in blind purlieus, courts, and alleys, typhus numbered among its victims about 17,000 persons. Other diseases, as erysipelas, consumption, and scrofula, were greatly increased by the same causes. It was admitted that cholera was a disease which could be prevented being fatal by cleanliness and care. No better illustration was afforded than by the two towns of Tynemouth and Newcastle. In the interval between the last two visitations of cholera, sanitary measures were adopted in Tynemouth, and neglected in Newcastle. At the last visitation, the deaths in Newcastle from cholera were 2,000, and in Tynemouth 4. Similar results were traceable with regard to pure water. It was found, by comparing the deaths which occurred among the population of London served by the different companies, that those who drank the foul water taken from within the tidal area, died in a proportion three and a-half times as great as those who drank the pure water which was taken from above the tidal area. Cholera, with diarrhoea and dysentery, destroyed 27,000 annually. In the same way, the mortality of infants depended greatly upon the influence of the air they breathed; and Dr. West mentioned that infantile diarrhoea, in the severe form in which it prevailed in the ill-drained districts, was not to be found in the well-drained districts of the metropolis. There was a tendency, continually going on in this country, to gravitate towards towns, and to live less in rural districts. The town population was more unhealthy than the rural. It was found that people died in large towns at the rate of one-third more than in small towns and villages. Among many causes which increased the unhealthiness of towns, was the neglect to remove immediately from the neighbourhood of houses the refuse which, if allowed to decompose, polluted the air and tainted the water. It was, therefore, incumbent upon those who were anxious to maintain the health and prosperity of the country, that they should give every facility for the proper sanitary administration of towns. This Bill had that for its object; and, notwithstanding the topics of absorbing interest pressing upon the attention of Parliament, he hoped that in the ensuing Session they would find time to consider it. The right honourable gentleman concluded by moving for leave to introduce the Bill.

Mr. AYRTON said, the right hon. gentleman was under a misapprehension if he supposed that the opposition with which his Bill of last year had been received, was to the end to which it was directed. It was to the indiscreet means by which it sought that end, and to the disposition evinced to bring all the action of the local authorities under the control of one central office. Provided that the Bill were drawn in such a manner as to effect the end of improving the sanitary condition of the people without infringing on their personal liberties, it would meet with his support.

Sir A. ELTON thanked the right hon. gentleman for the clear exposition which he had given of the objects of the Bill. From