

Insanity and Homicide.

The recent trials for murder, in which insanity has been alleged for the defence, whatever differences of opinion they may have given rise to, have clearly shown how entirely unfitted a common jury is to decide the delicate and difficult question of a prisoner's mental state. Had the wit of man been employed to devise a tribunal more unfitted for such a purpose, it might have exhausted itself in the vain attempt. It is one of the anomalies of British jurisprudence that while in an action for libel or any civil injury a special jury may be claimed, and the services of men who are above the lowest levels of ignorance and prejudice be thus obtained, it is quite otherwise when a person is on trial for his life. In this most momentous issue, however complicated the circumstances, however obscure the facts, he must stand the verdict of twelve common jurymen. In ordinary cases of murder, when the facts are such as any person of average sense and experience may judge of, the system works sufficiently well, or at any rate no great harm ensues; but in any case in which it is necessary to form a judgment upon scientific data, a common jury is assuredly a singularly incompetent tribunal. The very terms of science they are ignorant of, and they either accept the data blindly on the authority of a skilled witness, or reject them blindly from the prejudice of ignorance. The former result is commonly what happens in regard to scientific evidence of poisoning; the latter is commonly what happens in regard to scientific evidence of insanity. There are few persons who, without having had a special chemical training, would venture to give an opinion on the value of the chemical evidence given in a case of poisoning, but everybody thinks himself competent to say when a man is mad; and as the common opinion as to an insane person is that he is either a raging maniac or an idiot, it is no wonder that juries are prone to reject the theory of insanity which is propounded to them by medical men acquainted with its manifold varieties. It would seem to be an elementary principle of justice that a prisoner on trial for his life should have the right to claim a jury of men specially competent, or at any rate not absolutely incompetent, to judge of the facts on which his defence is to be based.

It is an additional evil of the present system that judges

too often share the ignorance of juries, and surpass them in the arrogant presumption which springs from ignorance. Instead of urging them to throw off all prejudice, and aiding them with right information, they sometimes strengthen their prejudices by sneers at the medical evidence, and directly mislead them by laying down false doctrines. They may even go so far as to flatter them in the opinion that they, as men of common sense, are quite as well able as medical men to say whether a person is insane or not. In the last number of this Journal we gave a report of a trial which took place in Scotland for the reduction of a will, in which the judge directed the jury, with the greatest assurance, that the symptoms which preceded insanity and indicated its approach, in an ordinary case, went on increasing as the disease advanced, and implied that as they had not done so in the case in question it was preposterous to allege insanity.

To our mind the evidence of insanity in that case was conclusive, but at any rate the statement of the judge was utterly untrue, as a very little knowledge of insanity would have taught him; and we cannot help thinking that the authoritative enunciation of such false doctrine to a jury is nothing less than a judicial misdemeanour. One cannot justly complain that judges should be ignorant of insanity, seeing that only by long experience and study is a true knowledge of it to be acquired; but it is a fair ground of complaint that, being ignorant, they should speak as confidently and as foolishly as they sometimes do. Here, as in other scientific matters, it is not intuition, but experience, which giveth understanding.

Not only is it the fact that judges are ignorant, but they are too often hostile. Governed by the old and barbarous dictum that knowledge of right and wrong is the proper criterion of responsibility when insanity is alleged, they resent angrily the allegation of insanity in any case in which the person has not lost all knowledge of right and wrong. Believing that medical men are striving to snatch the accused person from their jurisdiction, they are jealous of interference, are eager to secure a conviction, and sometimes lose the impartiality becoming the judge in the zeal proper to the partisan. The reporters are happily good to them, in forbearing to report all they say and do, or we fear that the dignity of the bench would have suffered more in public estimation even than it has done of late years.

It is useless to say smooth things when things are not smooth. There is a direct conflict between medical knowledge and judge-made law, which must go on until bad law is superseded by just principles in harmony with the teachings of science. For many years, by all authorities on insanity, in season and out of season, the truth has been in vain proclaimed; many times have futile attempts been made to arouse attention to the iniquity of the law as laid down by the judges; but it is still necessary for us to go on protesting, as our forefathers did, and as our children's children may have to do. We may, at any rate, take leave to characterise the administration of the law on every occasion in the plain terms which it deserves. Under the name of justice, grievous injustice has sometimes been done, and it would be easy to point to more than one instance in which murder has been avenged by the judicial murder of an insane and irresponsible person. The saddest and most humiliating disease with which mankind is afflicted, and which should rightly make the sufferer an object of the deepest compassion, only avails in England in the nineteenth century to bring him, in the event of his doing violence, to the edge of the scaffold or over it. To this point have eighteen hundred and seventy-two years of Christianity brought us! And science protests in vain! Without laying claim to much gift of prophecy, one may, perhaps, venture to predict that the time will come when the inhabitants of the earth will look back upon us with astonishment and horror, not otherwise than as we now look back upon the execution of old women for witchcraft in past times—a barbarity which the judges were the last to be willing to abandon, which they clung to long after it had been condemned by enlightened opinion. Indeed, there has not been, as Mr. Bright once said in the House of Commons, a single modification of the law in the direction of mercy and justice which has not been opposed by the judges.

The ground which medical men should firmly and consistently take in regard to insanity, is that it is a physical disease; that they alone are competent to decide upon its presence or absence; and that it is quite as absurd for lawyers or the general public to give their opinion on the subject in a doubtful case, as it would be for them to do so in a case of fever. For what can they know of its predisposing and exciting causes, its premonitory symptoms, its occasional sudden accession, its remissions and intermissions, its various phases of depression, excitement, or violence, its different symptoms,

and its probable termination? Only by careful observation of the disease can its real character be known, and its symptoms be rightly interpreted: from this firm base medicine should refuse to be moved.

It is said sometimes, however, in vindication of the law, that it does not and cannot attempt to apportion exactly the individual responsibility, but that it looks to the great interests of society, and inflicts punishment in order to deter others from crime. The well-known writer, W. R. G., in a letter to the "Pall Mall Gazette," has recently given forcible expression to this principle, and maintains that if men would get a firm grasp of it the conflicts which now occur would cease. He quotes with approbation the saying of the judge who, in sentencing a prisoner to death for sheep-stealing, said—"I do not sentence you to be hanged for stealing sheep, but I sentence you to be hanged in order that sheep may not be stolen." Here we see how entirely the writer has failed to grasp the real nature of insanity *as a disease*, for which the sufferer is not responsible, and which renders him irresponsible for what he does. Were one half the lunatic population of the country hanged the spectacle would have no effect upon the insane person who cannot help doing what he does. If a boy in school were wilfully to pull faces and make strange antics, the master might justly punish him, and the punishment would probably deter other boys from following his example, but it would have no deterrent effect upon the unfortunate boy whose grimaces and antics were produced against his will by chorea. The one is a proper object of punishment; the other is a sad object of compassion, whom it would be a barbarous and cruel thing to punish. To execute a madman is no punishment to him, and no warning to other madmen, but a punishment to those who see in it, to use the words of Sir E. Coke, "a miserable spectacle, both against law, and of extreme inhumanity and cruelty, and which can be no example to others."

Moreover, it is not necessary to hang a lunatic in order to protect society, or in order to punish him, for it can protect itself sufficiently well by shutting him up in an asylum; and the prospect of being confined in a lunatic asylum is not one which is likely to encourage a man to do a murder; on the contrary, it is one which excites as much horror and antipathy in the minds both of sane and insane persons as can well be imagined.

And, finally, as the law did not prevent sheep-stealing by

hanging sheep-stealers, but brought itself into discredit by offending the moral sense of mankind; so, likewise, it will not, by hanging madmen, prevent insane persons from doing murder, but must inevitably bring itself into contempt by offending the moral sense of mankind. Is not this result happening now? Has Mr. Baron Martin added anything to the strength and dignity of the Bench by his conduct in the recent trial of Christiana Edmunds? That conduct has elicited such comments from all quarters as it has not often before happened in this country to find made on the administration of justice; and, if the law has not been brought into contempt, it has received a rude shock among a law-abiding people. The uncertainty which now exists, whether a person shall be convicted as a criminal or acquitted as insane, and the accidental character of the result, cannot fail to be injurious to the welfare of society. And if the present agitation subsides, as former agitations have subsided, without any step in advance being made, the bad law is none the less certainly doomed. As we have said on a former occasion, "men will go mad, and madmen will commit crimes, and in spite of prejudice, and in spite of clamour, science will declare the truth. Juries, too, will now and then be found enlightened enough to appreciate it: and if the voice of justice be unsuccessfully raised, it will be but a doubtful triumph for prejudice when science shall say—'you have hanged a madman.'"

It will not be of much use to point out once more, what has been pointed out over and over again, that the manner in which scientific evidence is procured and taken in courts of justice is very ill fitted to elicit the truth and to further the ends of justice. One side procures its scientific witness, and the other side procures its scientific witness, each of whom is necessarily, though it may be involuntarily, biassed in favour of the side on which he is called to give evidence—biassed by his wishes, or interests, or passions, or pretensions. It is not in human nature entirely to escape some bias under such circumstances. In due course he is called into the witness-box and examined by those who only wish to elicit just as much as will serve their purpose; he is then cross-examined by those whose aim is to elicit something that will serve their purpose; and the end of the matter seldom is "the truth, the whole truth, and nothing but the truth." Having regard to the entire ignorance of scientific matters which counsel, jury, and judge shew, it may be truly said that the present system of taking scientific evidence is as bad

as it well can be, and that it completely fails in what should be its object—to elicit truth and to administer justice. “The incompetency of a court as ordinarily constituted, is,” as we have formerly said, “practically recognised in a class of cases known as Admiralty cases, where the judge is assisted by assessors of competent skill and knowledge in the technical matters under consideration. Moreover, by the 15th and 16th Vict., c. 80, s. 42, the Court of Chancery, or any judge thereof, is empowered, in such way as he may think fit, to obtain the assistance of accountants, merchants, engineers, actuaries, or other scientific persons, the better to enable such Court or judge to determine any matter at issue in any cause or proceeding, and to act upon the certificate of such persons.” The Lords Justices seldom, if ever, decide on a question of insanity without calling for a report upon the case from one of the Medical Visitors in Lunacy. If the English law were not more careful about property than about life, it would long ago have acted upon this principle in criminal trials.

However, he who advocates a reform in the legal proceedings of this country is assuredly a voice crying in the wilderness, and with less result than the Baptist had when he cried aloud there. It is not likely that anything we can say will induce those who have the privilege or pain of constituting our Government to leave for a time the ambitious struggles of politics, and to devote their energies to a reform of the law. And yet a Government could not be better employed than in labouring to effect such a reform. A system of just laws and a simple and expeditious administration of justice would assuredly conduce more to the welfare of the community than years of Parliamentary squabbles about politics. Many Parliamentary questions which have occupied much time and made a great show in their day will look very small, if they are ever heard of at all, in history, while the reputations that grew out of them will have been lost in oblivion; but an effectual reform of the jurisprudence of the country, which is now an urgent need, would be a lasting benefit to the community, and an eternal honour to the statesman who initiated and carried it through.

Having made the foregoing observations in order to discharge our conscience, though it has been a weariness both to flesh and spirit to say what has been said over and over again, we proceed to notice some of the recent trials for murder in which insanity has been alleged in support of the plea of “not guilty.” The first to which we may call attention is

one which took place at Derby, before Mr. Justice Lush, on December 16th last. The following report is from the "Times":—

Samuel Wallis was indicted for the wilful murder of his wife at Brampton, near Chesterfield, upon the 8th of November.

The prisoner was a shoemaker, and had been married for above eight years. He had two children, a boy of six years of age and a baby of one year and a-half. On the night of the 7th of November the wife and baby were in bed, and the boy lay across the foot of the bed. He heard his mother scream and felt her fall over him. His father went away, and the boy took the baby in his arms to his grandmother's house. They were in their night dresses and had no shoes on. He was only six years old. He stated that he thought his father and mother were fighting. He had never heard them quarrel. He once saw his mother hit his father with her elbow, but he could not say if his father said anything.

Other evidence was given that they were a most affectionate couple.

The prisoner had stabbed his wife with a shoemaker's knife which he kept in the room for the purposes of his work. The wound was in the neck, and must have been almost immediately fatal.

A constable who apprehended him and brought him to the gaol said that the prisoner was very much excited during the journey by rail. The prisoner said, "I was up in the fields, and then I went down into the colliery. I came out again about dark. There was such a fearful thundering noise in the pit, I was so glad to get out. I thought I never could have got out. Brampton looked so black and dark, and trains were running up and down as fast as they could." The pit had not been worked for a long time, so that there could be no noise, nor were there any trains running at Brampton. As they went along the sky was red with sunset, and the prisoner said, "Look at the sky, it looks like hell fire; it's just as if they were burning brimstone."

Mr. Richards, surgeon, stated that he had attended the prisoner for some time. He suffered from derangement of the stomach and liver, and dejection of spirits. He was under the delusion that he would never recover. His health had improved latterly, and he was going to leave for change of air, by the witness's advice, the very day of the murder. He had been sent away for change of air before, but he only staid one day and then came back. This witness stated that the prisoner and his wife appeared to be a most affectionate couple. The witness gave it as his opinion that this was a case of homicidal mania. The principal ground of this opinion was the nature of the act, coupled with the complete absence of motive; but he also took into account the previous symptoms and the subsequent conduct.

Dr. Gisbourne, the surgeon of the gaol, had seen the prisoner since in gaol, and gave a similar opinion. The prisoner had stated to him

that the act was so impulsive he did not know what he was doing, and was horror-stricken when he discovered he had committed the act.

Mr. Vernon Blackburn contended, for the defence, that either some sudden quarrel might have occurred, which, acting upon his weak state of body and mind, had overpowered his reason and provoked him to inflict the wound upon a sudden impulse, without premeditation, or that he laboured under homicidal mania.

His Lordship, in summing up, directed the jury that the killing of another person was *prima facie* murder, and it was upon the prisoner to reduce the crime to a lesser offence or to show that he was irresponsible for his acts. If he had been provoked and irritated, and had, in consequence, struck a blow without malice prepense, then it would amount only to manslaughter. But there was no evidence of that. If, therefore, they could not see their way to that conclusion, they would then consider the second question—if the man was in a state of frenzy, and unconscious at the time. As to that, there was no evidence of insanity at any other time. He had no delusions, nor was his conduct eccentric. There was a complete absence of motive or reason for the crime. If they felt satisfied that he must have been visited with an uncontrollable frenzy by Providence, so as to leave his mind under no control, or so that he could not know the nature of the act he was doing, they must say he was not guilty. It might become a dangerous thing to permit this kind of defence to prevail; nevertheless, if they were perfectly satisfied it was so, they must say so. He could see no evidence to reduce the crime to manslaughter.

The jury, after an absence of about two hours, returned into court and found a verdict of *Guilty* of murder.

The Foreman then said—We recommend him to mercy on account of previous weakness.

His Lordship—Weakness of mind?

The Foreman—Yes.

His Lordship, in passing sentence of death, said—The jury have deliberated anxiously, and have thoroughly weighed the evidence. They have found that you did not act under a sudden frenzy, nor from an infirmity which took away reason. Their recommendation will be forwarded to the proper quarter. I have no power to act upon that, but the recommendation will receive full consideration.

The recommendation did receive consideration, and the prisoner was reprieved. That he was insane at the time he committed the act, there can be no reasonable doubt. In fact, the case is almost a typical example of that form of mental disorder in which suicidal or homicidal acts are most often done. The symptoms exhibited by the patient previous to the act are limited to great mental depression of a hypochondriacal character, moodiness, and perhaps a morbid feeling

of despair concerning the state of his health or the state of his affairs ; his friends observe nothing more in him than that he is "moody or very low," and, if they are persons of the lower class, will, perhaps, describe him as "studying too much." Suddenly on some occasion his mental suffering rises to such a pitch of anguish or agony that he falls into a paroxysm of frenzy, during which he loses all control, and does violence to himself or to some one else, not knowing at the time what he is doing. By the homicidal act, which is a true *raptus melancholicus*, and which is usually directed against those who are most near and dear—by a mother against her children, by the husband against his wife—the patient is freed from his terrible emotion, becomes calmer than he has been for a long time, and may display no present symptom of insanity. Like Wallis, "he did not know what he was doing, and was horror-stricken when he discovered he had committed the act." In some cases there is a suddenly arising hallucination or delusion accompanying the deed of violence, but in other cases there is neither hallucination nor delusion ; the frenzy is a pure convulsion of the mind. We ought, perhaps, to apologise to our readers for setting forth such elementary information, but the ignorant and absurd statements which have been made recently in some of the general and in one of the medical papers prove clearly how little real knowledge of insanity may accompany the expression of very confident, but erroneous, opinions concerning it. The assertion repeatedly made, that in homicidal insanity some marked eccentricity of conduct, or some destructive act, or some actual hallucination or delusion, must always precede the act of homicidal violence, was as unfounded in fact as it was reckless in its boldness. All the peculiarity that has been observed in the patient by those who knew him may have been nothing more than what they would describe as lowness of spirits.

It was fortunate for Samuel Wallis that he consulted a surgeon about his stomach and liver, and was in this respect unlike some patients who, when similarly afflicted, assert that it is of no use to see the doctor, as he can do them no good ; for if he had not done so, there would have been little or no evidence of his insanity before the act to go to a jury. His own account of his strange sensations, though highly characteristic of the convulsive frenzy which suddenly seizes upon the ideational and sensory nerve centres in such cases, would have had little weight with judge or jury. As it was,

the judge pointed out "that there was no evidence of insanity at any other time. He had no delusions, nor was his conduct eccentric." The vulgar and mistaken notion that a man, if he be insane, must stand on his head on the housetop, or tear his clothes like a maniac, or dance a hornpipe and proclaim himself Emperor of China in the streets! The jury, influenced by the judge's statement, or agreeing with him "that it might become a dangerous thing to permit this kind of defence to prevail," found Wallis guilty, but recommended him to mercy "on account of previous weakness of mind." Had the prisoner been tried by some of the judges, it is almost certain that he would have been executed, as other similarly insane persons guilty of homicide have from time to time undoubtedly been. Had judge and jury in this case possessed any knowledge of the nature of insanity, we may confidently assume that they would not have convicted Wallis, but would have acquitted him on the ground of insanity.

The next case to which we call attention furnishes a striking illustration of the uncertainty of English law, when the defence of insanity is set up. It was tried at Exeter, in December last, before Baron Martin:—

James Taylor, aged 38, a bandsman of the Royal Navy, was indicted for the wilful murder of Henry Ryder.

The prisoner had, as appeared by the evidence, served on board Her Majesty's ship *Rattlesnake*, and was paid off in April last from the *Thalia*, on board which he returned to Plymouth. The deceased was a dockyard pensioner living in George-street, Plymouth, and nearly 80 years of age. He occupied one room in the house, and was heard by a woman who lodged in the next room to come upstairs on the 1st of September and go to his room. On reaching this he was heard to say to some one "Come, it's 12 o'clock," which was followed shortly afterwards by a loud shriek. Mrs. Rowe, the lodger, who heard this, called up her daughter, and looked through the key-hole, when she saw the prisoner, whom she had seen about the house in the morning, leaning over the bed. It would appear that the door had been locked by the daughter on the outside, for Mrs. Rowe, on returning to her room, heard a knocking at the door of the room of the deceased. She then went and opened it, and found the prisoner inside, who pointed to the bed and said, "I have killed him." He then pointed in another direction and said, "There are all his things, safe. I have not touched anything;" and added, "I have called a policeman, and he is coming upstairs." A policeman gave evidence that his attention was called to the prisoner at the window, who called to him and said, "Policeman, come up; I have committed murder. I want you to examine the room before I go away." On the policeman going to the room the

prisoner said, "I have murdered that old man. I intended doing it, and I have a reason for doing it. He brought me to what I am. I have done it with a 'flat,' which you'll find in the bed somewhere." The prisoner made similar statements to the inspector when charged. A "flat" or heating iron, such as is used for heating a washerwoman's iron, was found in the bed. It had been sewn up in canvas, showing some care in the preparation. The deceased had been struck on the head in several places with this instrument with force enough to fracture the skull, and death had followed almost immediately. No motive for the crime was suggested other than a statement of the prisoner that when he came home from sea the old man's daughter had robbed him of all he had, and afterwards the old man would do nothing for him. When apprehended the prisoner was perfectly sober.

For the defence Mr. St. Aubyn called first Dr. Hunter, a surgeon of the Royal Navy on half-pay. He deposed that he had known the prisoner for about four years on board ship. During that time he had constantly to treat the prisoner medically, as he returned after every time of leave with incipient *delirium tremens*, so much so that Dr. Hunter had requested that leave should not be granted to the prisoner. The prisoner had also received a blow on the head at the Cape of Good Hope, in a scuffle, and since then his condition had greatly changed. The witness drew a distinction between a state of drunkenness and a state in which the brain had given way from constant attacks of *delirium tremens*, and said that from the evidence, and from his knowledge of the prisoner, he felt certain that the act was done in one of those conditions of mind succeeding some drinking bout, and in his judgment the prisoner would not be responsible for his actions. He added it would be like a dream to him.

Mrs. Trist, with whom the prisoner lodged, deposed to his condition after drinking, and to several attempts on his part to commit suicide. Two days before the 1st of September there had been a regatta, and the prisoner had drunk to excess.

Mr. William Eastlake, Deputy-Judge-Advocate of the Fleet, deposed to seeing the prisoner several times since his return to Plymouth, and to his peculiarity and inability to make out any account of the moneys that were to be paid to him. This happened when the prisoner was sober, and the witness, in answer to the learned Judge, said he had formed an opinion that the prisoner was of unsound mind.

The learned Judge at this stage interposed, and said that it would be very unsafe to convict the prisoner, and the jury Acquitted him on the ground of insanity.

He was directed to be detained until Her Majesty's pleasure should be known.

We entertain no doubt that the verdict was a just one, but at the same time we cannot help feeling that if the prisoner had not, by being a bandsman of the Royal Navy, been par-

ticularly favourably placed for the observation of his previous mental state, and for thus obtaining exceptionally strong and skilled evidence thereof at his trial, the result might have been different. Suppose he had been a London costermonger, or person of that class, whose accounts no Deputy-Judge-Advocate overlooked, and whose mental state had not come under the observation of any surgeon; and suppose that he had been placed on his trial at the Central Criminal Court, and that the prosecution had been conducted by an Old Bailey barrister, after the manner of Serjeant Ballantine; and suppose that all the available evidence of his previous mental state had been that of two or three of his associates, if his counsel had thought it prudent to offer it,—would the trial then have been stopped, or would it have gone on to a conviction? Under such circumstances, it is most probable that, after the judge in his summing up had discoursed gravely to the jury on the danger to society that would ensue if it were to go abroad that drunkenness was an excuse for crime, and had evolved from his moral consciousness some remarkable dictum respecting what was insanity and what was not insanity, the man would have been convicted, and in due time executed.

Whosoever thinks that we are putting the matter too strongly should read Mr. Baron Martin's summing up in cases in which insanity has been alleged, and take note of the different categories of insanity with which he has made himself acquainted. He will not find much variety in the charges of Mr. Baron Martin on such occasions; he will, indeed, discover a great sameness in them, so that his mind will not be greatly exercised in getting an exhaustive knowledge of insanity from a judicial point of view. There is the man who has no more mind than the brutes. Then there is the singular man (we have not been able to make out whether he is the same as the former man or not) "who had lost his mind altogether, and had nothing but instinct left, who would destroy his fellow-creatures as a tiger would destroy his prey, by instinct only;" and lastly, there is the man who laboured under a delusion, and did something of which he did not know the real character, something of the effect and consequences of which he was ignorant. This is the gospel of insanity according to Mr. Baron Martin, and one cannot wonder that a jury, so authoritatively instructed, should feel themselves constrained to convict an insane person. Mr. Baron Martin may be legally right, but if he be,

it is certain that good law is not justice ; on the contrary, its administration is distinctly the administration of injustice.

The next trial to which we shall refer is one which excited much public interest—that of the Rev. John Selby Watson for the murder of his wife Anne Watson, at Stockwell, in October last. The trial commenced at the Old Bailey on January 10th, before Mr. Justice Byles, and lasted three days.

Evidence was first given explanatory of the house in which the prisoner and his wife resided. Entering by the front door the drawing-room was on the left and the dining-room on the right, both being on the ground floor. On the first floor there was a bedroom occupied by the prisoner, over the drawing-room, with a dressing-room behind ; and across a passage, and over the dining-room, was the library, with a small dressing-room behind.

The first material witness called for the prosecution was Eleanor Mary Pyne. She said,—I live at New-cross, and am 20 years of age. I was in the service of the prisoner. I had been there not quite three years. A sister of mine was also in his service, but left at Christmas, 1870. From that time, when my master ceased to be head master of the Grammar School, I was their only servant. He and my mistress at first used to occupy the same bedroom, which was on the first floor front, but during the hot weather last year they slept apart, she occupying a room behind the library on the first floor. She used to dress in Mr. Watson's bedroom. I used to attend to all the rooms on that floor except that of Mrs. Watson, who attended to it herself. I had been only once or twice in it. On Sunday morning, the 8th of October, my master and mistress went out about church time, but rather earlier than usual, and returned about a quarter to 2, which was their dinner hour. They took dinner in the dining-room on the ground floor. I attended them. They took no wine during dinner, but they had some afterwards, and some dessert in the library upstairs. I left them there between 2 and 3, and up to that time nothing in their demeanour had attracted my attention. They usually lived on very good terms. I went out in the afternoon about 4 o'clock, and returned about 9. Mr. Watson let me in. I had previously prepared the tea in the dining-room. The usual hour for taking tea was a quarter to 6. On letting me in he said my mistress had gone out of town, and would not be home until the next day. I went into the dining-room, and he came there and said, " We have not taken tea." I asked if he would take supper, and he said he would take a little bread and cheese. He went upstairs and I afterwards got the supper. I then went into the front bedroom to do what was necessary to it. There was nothing unusual about it. Mr. Watson had his supper in the dining-room. As I was going to bed he came out of the library and pointed to what he said was a stain of port wine on the floor. He

said, "I have told you that thinking you might wonder what it was." I did not see any stain then, but I did afterwards. It was under the carpet at the entrance to the room. He pointed to the small bedroom at the back of the library, and said my mistress had locked it and I might go to bed. I saw no key in the door. There was usually a key outside. I had not expected my mistress to go out of town. On the following morning I prepared my master's breakfast in the dining-room. On that occasion he said my mistress would not be at home for two or three days. I had just told him that if she would not be at home before dark I should want some candles. He afterwards went out and had his meals as usual that day. On the Tuesday he also went out, saying he would not be home that night. That was after dinner. He had been out before dinner. He went out two or three times after that. I went out in the afternoon to try and get some one to sleep with me, but I could not, and he said I should have to sleep alone. He did not go out that night. I sat up till 11, when Mr. Watson called me from the library floor, and said, "If you should find anything wrong with me in the morning send for Dr. Rugg." I asked if he was ill. He said, "I may require him in the morning." No further conversation passed, and I went to bed. Next morning I got up about a quarter to 7. I knocked at his room door at 8 o'clock. He answered me, saying he was dressing. He came down stairs about half-past 8, and went out before breakfast, but returned in about ten minutes. After breakfast he went out again, about half-past 10, and returned about 11. He then went into the library, and called me between 11 and 12. I saw him in the hall, and he told me if he should be ill before dinner I was to go for a doctor. He then went upstairs. About half an hour or more after he had gone up I heard groaning, and went upstairs to his bedroom. He was then in bed and undressed. I spoke to him, but he was unconscious, and did not know me. I went for the doctor at once. There were then three papers on a stand in the bedroom and a glass on a table by the bedside. I took up one of the papers and read it before I went for the doctor. It was in my master's writing, and was addressed, "For the servant, Ellen Pyne, exclusive of her wages." It said, "Let no suspicion fall upon the servant, who I believe to be a good girl." It was sealed, and a £5 note was enclosed in it. I went and fetched Dr. Rugg. He had been at the house before, attending my sister. He went to my master's bedroom and afterwards went out and brought a policeman. I had asked my master if he felt cold, and whether I should put something more on his bed. When the police came I went into the library and pointed out some splashes on the window, which I supposed to be wine. I had first noticed them on the Tuesday. Afterwards, but not that day, I saw the dead body of my mistress. One quarter's wages would be due to me in a month from that time. I did not know my master had any pistols. I saw a paper in Latin on the Tuesday on the library table. It was in my master's handwriting.

That paper was now put in in evidence, and was as follows:—"Felix in omnibus fere rebus præterquam quod ad sexum attinet fœmineum. Sæpe olim amanti amare semper nocuit."

Being cross-examined by Mr. Serjeant Parry, witness said—I asked my master if he was cold; he said he was, and I put something on the bed. That was about an hour after I saw him in an unconscious state. I think I was the first person who saw some pistols in a drawer in his dressing-room. The drawer was unlocked. I had constant access to the room. I never did open the drawer before, but if I had been curious I might. I found the paper in Latin on the library table. The corner of it was under a book and it was open. I noticed the paper and looked at it on the Tuesday morning. I had not seen it before. Two young gentlemen, pupils of Mr. Watson, once boarded in the house. They left just before he retired from the Grammar School. Up to that time Mr. and Mrs. Watson kept two servants. My master always behaved with great kindness to me. I never noticed any angry feeling between him and his wife. They appeared to live happily and comfortably together. My mistress had her own way. They kept no company. He was rather a reserved man. They used to sit together after meals in the library, and there Mr. Watson was always either writing or reading. He was industrious and hardworking, and used to sit up till about 11 o'clock. Everything was very punctual in the house. They went to church on Sunday, the 8th of October, but not their usual church. He was sometimes absent on a Sunday doing duty. They ordinarily attended church once on Sunday.

Dr. George Philip Rugg, practising in Stockwell, said he had known Mr. Watson for years as head master of the Grammar School. He had never attended him professionally. On Wednesday, the 11th of October, he was called to the house by the servant Pyne, about half-past 11, and found him in bed. He was unconscious, breathing heavily, and with difficulty, with a cold, clammy perspiration on him, and a weak, soft, compressible, and intermittent pulse. He appeared at first to be labouring under an attack of epilepsy, and he remained in that unconscious state about a quarter of an hour or 20 minutes. The servant Pyne put a letter into witness's hand. It was sealed, addressed "For the Surgeon," and was in these words:—

"I have killed my wife in a fit of rage to which she provoked me. Often, often, has she provoked me before, but I never lost restraint over myself with her till the present occasion, when I allowed fury to carry me away. Her body will be found in the room adjoining the library, the key of which I leave with this paper. I trust she will be buried with the attention due to a lady of good birth. She is an Irishwoman; her name is Anne."

Enclosed, witness found a key. The next letter, called "A Statement to such as may care to read it," those words being written on the envelope, was as follows:—

"I know not whose business it will be to look to property left, as my little possessions will be my books and furniture. My only brother was living when I last heard of him, five or six years ago, in America, at 12, Grand-street, Williamsburgh, and a niece with him. He is my heir if he is still alive. I know not whether I have any surviving relation. One quarter's wages will soon be due to my servant, and I should wish the sum to be more than doubled to her on account of the trouble she will have at the present time, and the patience with which she has borne other troubles. In my purse will be found £5. 18s. I leave a number of letters, many of them very old, with which I hope that those who handle them will deal tenderly. The books are a very useful collection for a literary man. The two thick quarto MS. books marked P. and Q., being with others on the sofa, might be sent to the British Museum, or might possibly find some purchaser among literary men, for whom they contain many valuable notes and hints. Among the other MS. is a complete translation of *Valerius Flaccus* in verse, which I think deserves to be published. Messrs. Longman and Co. also have in their hands for inspection four volumes of manuscript, containing a complete history of the Popes from the foundation of the Papal power to the Reformation. There is also ready for the press a tale entitled *Hercules*. I leave, too, in the book-case, several books of extracts and observations marked with the letters of the alphabet, the oldest being, I believe, that marked 'M.,' and the most recent that marked 'P.' There is an annotated copy of the *Life of Porson*, with a few addenda, and a copy of the *Life of Warburton*, with a few annotations and a book of addenda. There will be found in loose sheets in the press at the side of the fireplace in the library a complete translation of Béranger's songs, with the exception of *Mes Derniers Chansons*. Some of these have been printed. The house is to be vacated at the half quarter. For the rent to Michaelmas I have sent a check to-day. There will be some small bills, but when all claims are satisfied there will be a considerable sum left, besides what will arise from sale of books and furniture. I have made my way in the world, so far as it has been made, by my own efforts. My great fault has been too much self-dependence and too little regard. Whatever I have done I have endeavoured to do to the best of my ability, and have been fortunate, I may say generally, with one great exception. In the papers lying about and elsewhere will be found some MSS. which have been used and others intended for literary purposes."

Witness went on to say he obtained the key of Mrs. Watson's room, which was left in one of the papers, and went in. It was the bedroom at the back of the library. That was on the same day. He found her dead, and the body huddled up in a corner of the room, covered over with blankets. There were several wounds on the scalp, one of which had fractured the skull. Her dress was saturated with blood,

and the body was stiff. There was much blood on the floor. She must have been dead a day at least. The fracture of the skull must have been the cause of death. Next day he was shown a horse-pistol; the wound might have been caused by it. He first saw six wounds on the skull, and afterwards eight, one being a large fissure extending from the top of the skull to the base. There were smaller wounds and abrasions about the hands and arms. After that witness returned into Mr. Watson's room, and found there a glass on a chair by his bed side, and a phial, about half full, on the drawers. There were a few drops in the glass of the same fluid as that in the phial, which he found to be prussic acid. Witness went out to a chemist, and on returning with him found Mr. Watson recovering consciousness, but talking incoherently. Witness told him he knew he had taken prussic acid. He made no reply at that time. He afterwards told witness privately where he bought it, but said he did not wish to get the chemist into trouble. Witness sent for a policeman, and told Mr. Watson what he had done. He threw up his arms and made some exclamation. Witness left him in charge of the policeman, but returned afterwards and found he was not in a fit state to be removed. The flooring of the library and the woodwork round the window were slightly bespattered with blood. He told witness he had taken prussic acid the night before, but not a sufficient dose. Witness and Mr. Pope, the divisional police surgeon, agreed afterwards that he was fit to be removed, and he got up and dressed himself about 4 o'clock. He asked for a particular pair of boots, and directed witness's attention to an oyster shell in his dressing-room on a chest of drawers, saying, "A curious thing that; I picked it up." Witness said it was rather remarkable, from a calcareous sort of incrustation upon it resembling coral. Mr. Watson brushed his hair very carefully, and was in other respects particular how he dressed himself. His manner seemed frivolous considering the position in which he was placed. Witness suggested he should have a solicitor, and mentioned Mr. Fraser, an old pupil of his. He replied he did not think it was of any use. He afterwards consented. When he was leaving the house he asked the police to deal gently with him, and to get the matter over as soon as possible.

Cross-examined by Mr. Serjeant Parry, witness said he had long known the prisoner as the master of the Grammar School, as a person of great classical attainments, and as having the character of a humane man. He was latterly reserved in manner and self-absorbed. Witness had no doubt he had taken the prussic acid to commit suicide, and had taken a dose which might have proved fatal. His skin was clammy, and had all the appearances of a man who had taken prussic acid. He told witness he had taken a dose of prussic acid the previous evening, but had not taken enough, and that he had taken a fresh dose that morning. Witness asked him when at the police-station if there was any insanity in his family. He said his brother was quite sane, but

he could not say so much for his father. While dressing he wanted to shave himself, but the policeman, who was in the room, would not allow him. Witness asked him at the station if he had anything on his mind. He said he had sufficient to live upon at that time, but that his means were becoming exhausted; that in consequence of losing the Grammar School he had begun to despond, and that he had been promised another appointment, but it had fallen to the ground. His age is about 67 or 68. Most of the eight wounds on the deceased appeared to have been inflicted with extreme and unusual violence, almost the ferocity of violence. Insanity was a disease and was always treated as such in witness's profession. The patient in such a case was to be prevented doing harm to himself or others. Melancholia was a disease well understood in the profession. Sudden shock had a tendency to produce it, and a patient suffering from it was liable to sudden bursts of paroxysms of madness. During such a paroxysm if he committed a violent act he would not in witness's judgment be able to understand the act while he was doing it. After the fit was over it was consonant with witness's experience that the patient would resume his normal state, just as in a case of epilepsy. Homicidal mania and suicidal mania were well recognized in the profession. The fact of attempting to commit suicide would be one witness would take into consideration in forming a judgment whether a patient was a homicidal maniac or no. He had since seen the prisoner at Horsemongerlane Gaol and had found him suffering great despondency. On that occasion he said he wished he had consulted witness before. There were many cases on record where persons feeling a fit of homicidal mania coming on had sought admission to a lunatic asylum. Witness ascertained from the prisoner that he had purchased prussic acid 12 months before, that he had always been of a despondent turn, and he had kept it by him ever since. Mr. Serjeant Parry was carrying this line of cross-examination to greater length, when

Mr. Justice Byles, interposing, said he must try the case according to what had been considered for many years the general rules. He afterwards added that, in his opinion, the question of homicidal mania had nothing to do with the case. He was perfectly conversant with the French law on the subject. He should leave to the jury the question whether at the time the prisoner committed the act he knew what he was doing and that he was doing wrong.

Witness, in further cross-examination, said in his judgment the prisoner was labouring under a great state of mental depression before he committed the act. When he saw him he was suffering from simple melancholia, with a tendency to maniacal excitement. On the day he was taken into custody he was still suffering from those causes. He believed now he was not in a sound state of mind, and that the loss of his appointment was the principal cause of it.

By Mr. Denman—He was a person of somewhat morose demeanour,

but there was nothing about him to show he did not understand questions or what was going on about him. His manner, however, was altogether very peculiar, and he did not answer a question directly. His general manner altogether impressed witness that he was suffering from insanity.

Mr. Pope, surgeon to the W Division of Police, spoke to seeing the prisoner before he was taken to the police-station. He asked the prisoner how he was, and he replied better than he wished to be. Witness had that (yesterday) morning seen a deal box in court, and believed it was capable of holding the dead body, if it had been compressed into it. A coat the prisoner wore on the day of the murder being asked for, the prisoner said if it was for the purpose of an exhibition witness should not have it. Witness on that occasion saw nothing about him to show he was a person of unsound mind, nor when he was at the police-station.

Being cross-examined witness said the coat wanted was hanging on a peg in his dressing-room at the time.

Dr. Thomas Henry Waterworth, surgeon to Horsemonger-lane Gaol, said the prisoner was taken there on the 12th of October, and he saw him on the following day, and almost daily afterwards, until about the 14th of November. He conversed with him from time to time, and endeavoured to form a judgment as to the condition of his mind. There was nothing to indicate any insanity about him. He was perfectly sound in mind. Witness had not seen him since he left the gaol.

Being cross-examined by Mr. Serjeant Parry, witness said Mr. Watson was depressed in mind and weak in body when he first came to the prison, and witness gave him some slight stimulants. He was rather averse to answering questions. His manner was somewhat, he might say very, reserved. He recovered after a time, but was still weak and depressed when he left. He complained of sleepless nights, and witness gave him morphia, to be taken in small doses. He afterwards secreted some draughts of morphia, but that was discovered. Restlessness at night was symptomatic of a disturbed brain. That lasted two or three weeks in the prisoner's case. He took morphia about ten days. The sleeplessness had not entirely gone when he left the prison. Witness attributed to the state of his mind the deed he had committed. That was his impression.

Replying to Mr. Denman, witness still said he saw nothing indicating insanity in the prisoner. The slight stimulant he gave him was ammonia, which was frequently given to patients suffering from depression, regardless of their state of mind. He did not mean by a disturbed brain a diseased brain.

Dr. Edgar Sheppard, medical superintendent of the Colney Hatch Lunatic Asylum, which office he had held for more than 10 years, deposed that he had repeatedly seen the prisoner in Newgate,

and conversed with him, and he was of opinion he was of unsound mind.

By Mr. Serjeant Parry—He was requested by the Government to examine him, with Dr. Begley, the resident superintendent at Hanwell. Replying to questions by the Serjeant, witness said it would be right to say insanity was a disease of the brain, and was curable like any other malady. There was a recognised form of insanity called melancholia, which was sometimes brought about by some sudden calamity, such as the loss of fortune or *status*. A person so suffering was liable to sudden bursts of madness. Under certain forms of intense melancholia the reason and judgment were gone. A person labouring under melancholia was more liable to sudden bursts of passion than a rational man. Such a person might be liable to an outburst of passion and be quite himself again afterwards. Suicide was a very common accompaniment of melancholia; homicide also, but that was less common. A repeated attempt at suicide in such a person would be an element in considering whether he was insane. The forms of suicide committed by the insane were intensely clever and crafty, and contained, as a rule, no element of clumsiness about them. For instance, no insane person attempting to commit suicide would, in his judgment, tell another that he might be ill at a certain time the following day.

Mr. Serjeant Parry reminded the witness that he (the Serjeant) had carefully avoided, in his cross-examination of him, referring to the particulars of the case under consideration, and the learned Judge told the witness to attend to the questions.

Cross-examination continued—Madmen, both before and after the commission of crime, had manifested considerable craft and cunning. Absence of remorse was consistent with sanity and also with insanity.

By Mr. Denman—He saw in the prisoner signs of depression which were consistent with melancholia and also with perfect soundness of mind. In the case of a person who had committed a crime under the influence of melancholia he should expect to find other symptoms of insanity. During an attack of intense melancholia the reasoning powers were altogether gone. He should expect to find some other indication of insanity besides an act of violence. He did not think there was any case on record of an impulsive act of insanity involving homicide in a person who had not given any evidence of insanity before. He did not believe a great act of that kind could be committed without very manifest symptoms beforehand, and he thought the patient might conduct himself rationally within an hour.

Mr. Denman—Would it be likely that an insane person, having committed an act of violence, would give notice that he was going to commit suicide, and that he should require a doctor soon?

Witness said he could conceive nothing more improbable. It was

entirely at variance with his experience that such a person should give previous notice of what he was about to do.*

Dr. Begley, medical superintendent at the Hanwell Lunatic Asylum, said he had seen the prisoner on four different occasions in Newgate, and conversed freely with him. On the first and second interviews the prisoner was very coherent, but somewhat reticent and reserved. On the third he was much less so, and on the fourth he was talkative, and went on from subject to subject, and showed a degree of levity inconsistent with the position he was in, and which could only be accounted for by some mental infirmity. The subject of conversation generally was classical literature. He was at other times subject to great depression and dejection. That would be consistent with sanity in a person who had sustained a great infliction, or had committed a great crime.

By Mr. Serjeant Parry—Witness had been at Hanwell 30 years,

* We have been favoured with a copy of the following letter, which Dr. Begley addressed to the Solicitor of the Treasury after the trial:—

Middlesex Lunatic Asylum, Hanwell, W., January 22nd, 1872.

SIR,—It was asserted at the trial of the Revd. Mr. Watson by more than one witness, and commented upon approvingly by Mr. Denman, that there is not a single instance of a person *really* intending the commission of suicide mentioning such intention to others. I know of many, and shall now crave permission to lay before you briefly the particulars of one which occurred in this institution some years ago. A man of theatrical pursuits, addicted to habits of intemperance, reduced to a state of destitution, upon which insanity supervened, was sent here. The disease assumed alternately the form of mania and melancholia, with disposition to suicide. He stated in confidence one day to a fellow patient that he was determined to make away with himself, and that he should on an early day endeavour to elude the vigilance of the attendants, abstract a knife from the dinner table, and with it cut his throat. The patient to whom this intimation was given informed me of it. I went straightway to the ward, mentioned the matter to the attendants, charging them to be particular in observing the rule which directs them to collect and count the knives before the patients rise from the dinner table. Two or three days after I had thus cautioned the attendants the suicidal patient did contrive to secrete a knife from the dinner table, went with it to one of the water closets of the ward, cut his throat, dividing important vessels, and died instantaneously. The facts were stated to the committee after an inquest had been held; the patient who gave me the information was examined, and most coherently confirmed the statement; the attendant having admitted that I cautioned him to be on his guard, was dismissed. For the accuracy of this statement I refer you to a gentleman holding a high official post, and well known in your department. I mentioned this case in court to the solicitor for the defence, who said there he could not then introduce it with the brief, nor communicate it, verbally or otherwise, to Mr Serjeant Parry, and having seen by the "Medical Gazette" of last Saturday that the unfortunate man is charged with having feigned to commit suicide, I think it proper thus to write to you.

I am, Sir, your obedient servant,

W. C. BEGLEY.

A. Stephenson, Esq., Treasury.

[The name of the gentleman to whom Dr. Begley refers is given in the original letter.]

and was at one time assistant to Dr. Conolly. Neither on the first nor second occasion did he form an opinion that the prisoner was a person of unsound mind; on the third he wavered, and on the fourth he made up his mind, or nearly so, that he was not of sound mind. His final opinion was that he was of unsound mind.

Mr. John Rowland Gibson, surgeon to the prison of Newgate, said the prisoner was brought there on the 14th of November, and had since been under his charge. Witness had been nearly 16 years the surgeon to the gaol. From the time he first saw Mr. Watson he had paid particular attention to his mind. He had seen him daily, and sometimes more frequently, and conversed with him frequently. He saw him with Dr. Begley at each of the four interviews. He had always found him rational and remarkably self-possessed. He had not observed any incoherence or inconsistency in his conversation. Sometimes he was more depressed than others, and at times his conversation almost approached cheerfulness. He did not medically treat him. The depression the prisoner suffered appeared to be nothing more than might be expected in a person in such a position, and was consistent with the general experience of witness in Newgate.

Mr. Serjeant Parry then addressed the jury for the defence. He commented first upon the nature of the crime, its atrocity, and its ghastly details, at which he said many who had heard the evidence might have shuddered. A crime of such a kind naturally excited in the imagination of men a feeling of repulsion towards the perpetrator, but he was sure if such a feeling had existed at all in any of the minds of the jury, it must have long ago passed away. He bore witness, in passing, to the temperate, calm, and judicial address of Mr. Denman in opening the case of the Crown, which he said was well calculated to allay the feeling of antipathy that existed as to the nature of the crime itself. He submitted that the more merciful and reasonable conclusion was that, at the time of its commission, the mind of the unhappy gentleman at the bar was in a state more calculated to awaken the feelings of sympathy than antipathy. He was the last man likely to have perpetrated such a crime wilfully and knowingly. He was a self-made man, and had really been the architect of such little fortune or position as he had acquired. He was the son of humble parents in Scotland, and was educated first by his grandfather, and afterwards at the University of Dublin. He had been all his life devoted to intellectual pursuits, and for 25 or 30 years a teacher—the most arduous work, probably, in which the mind of man could be engaged; while there was scarcely any branch of literature in which he had not occupied himself at one time or other. He seemed, also, to have been engaged in those pursuits up to the very moment of the crime of which his own wife was the victim. The learned counsel mentioned incidentally that her maiden name was Anne Armstrong, and the circumstances which led to their marriage. That being the relation of the parties, he asked whether

the prisoner was responsible before the law for the act he had committed? *Primá facie* he was, and the burden of proof to the contrary lay upon him; but the question for the jury was whether at the time he committed the crime he was relieved from the consequences of it, so far as the extreme punishment of the law was concerned, though liable to be confined for life under circumstances which would not admit of his giving way again to the maniacal passion. Did he at the time the crime was committed know the difference between right and wrong, and did he know that he was doing wrong? That was substantially the question they had to try. If he was of unsound mind at that time, then he did not and could not know the guilt of the act he had perpetrated. It was impossible that a lunatic could understand the character of an act when his mind was perverted and overthrown. That was a law of humanity as well as a rule of legislation. Insanity was as much a disease as typhus, paralysis, or epilepsy, and was so known not only to the medical world, but to all mankind. It was not a question of law, but of fact, and of fact only. The law of England had never attempted to define what insanity was. If he was right in that, there was only one direct path along which judge, counsel, and jury could safely travel in order to arrive at a proper conclusion. On the part of the prisoner he would prove to demonstration the fact that he was of an unsound state of mind when he committed that terrible crime. He was a man of learning and high character, and of laborious and studious habits, and up to the time of this occurrence he had led an honourable and blameless life, and achieved a reputation of which anyone might have been justly proud. What, he asked, would the jury think of the act itself? The prisoner was spoken of generally as a kind and humane person, and he had lived on most affectionate terms with his wife. The servant girl, Ellen Pyne, who had given her evidence with a degree of intelligence and propriety much to her credit, had never heard, during the three years in which she had lived with them, a word of anger or a single quarrel between them. A fact from such a disinterested source spoke volumes. After all, the insanity of a person could only be decided on an impartial consideration of the facts. The deed was inconsistent with the whole of the former life of the prisoner, as a man or a husband, and in opposition to all that might have been expected from such a person. The only hypothesis on which it could be accounted for was that at the time of its commission he was insane. The act itself was extraordinary, and not to be explained by any ordinary reasoning. It was perfectly motiveless, but the law of England, by which a criminal such as William Palmer was tried and convicted in that same dock of systematic poisoning for the sake of greed, made no distinction between the two kinds of murder. There was an entire absence of preparation for such a deed, and nothing to show that the crime was even thought of before the moment of its commission. Did not the deed itself prove that it was the result of reason overthrown, and of the ferocity and violence of a madman? The unnecessary

violence practised was also important as a proof, as he suggested, that the prisoner was insane at the time. He was, in fact, labouring under that particular kind of insanity called melancholia, producing a profound depression of the whole mind, a diversion of the brain from its ordinary channels, rendering the reason incapable of judging between right and wrong, and liable to outbursts of maniacal fury. A patient suffering from such a disease might be comparatively sane before the occurrence, and might also within a short time afterwards resume his ordinary appearance. Method and design very frequently attended homicidal or suicidal mania. He commented, as further instances of the prisoner's insanity, upon his bungling efforts to conceal the crime and secrete the body, while at the same time he hung up his blood-stained clothes in the usual place. His conversation with Dr. Rugg was very remarkable, as showing his strange indifference to the circumstances in which he was placed. When he was in custody for murder, all his anxiety was to make a presentable appearance. It would appear the thought of suicide had entered his mind, and it was an extraordinary fact that Mrs. Watson was with him when he purchased the prussic acid a year ago. Were suicidal intentions then lurking in his mind and influencing his actions? Could there be a doubt after the crime that he intended to commit suicide? The precise directions he left behind him in writing all tended to confirm the belief that he did. Again, there was a second attempt, while in Horsemonger-lane Gaol, by accumulating the doses of morphia that had been meted out to him. There were also the exhaustion and weariness of the brain, always looking at the present with the eye of sorrow and to the future with absolute despair, having regard to the manner in which he had been treated in the matter of the school. All those considerations were pressing on his mind and wearing him down. It was not a question at his advanced age of reputation, but of the means of living. He wondered whether the prisoner and his wife at that time, with destitution impending, could have contemplated the unchristian act of suicide. After his dismissal a witness noticed in him his tottering gait, his feeble voice, and shrunk body. The fact was he had been suddenly crushed by a heavy blow. At such a time mothers and fathers had slain their children, and husbands their wives. Such calamities were among the causes of insanity. The hair of men had turned white under them. The prisoner was about to be driven out of house and home, with, perhaps, the prospect of a workhouse in a very short time opening its doors to receive him. If the demon of depression was haunting him, and if in that state of mind he conceived the idea of murdering his wife, that was the history of insanity. Men resisted, but at last the mind was overthrown and they could resist no longer. There were cases where men and women had sought the protection of their friends to restrain them from making away with themselves or others. The best known instance that occurred to him was that of the late Charles Lamb and his sister. She, who was one of the most

virtuous and excellent of women, adorning our literature with writings that would never die, had been known to walk with her brother, when they were both very poor, by her side towards an asylum, lest in her paroxysms of madness she might be tempted to injure someone near and dear to her. That, in truth, was the history and march of insanity of the kind under which the prisoner laboured. Again, Dr. Begley, who for long years had been at the head of the Hanwell Lunatic Asylum, and who had been the assistant and pupil of the late Dr. Conolly, one of the pioneers in the science of treating mental derangement, had declared on his oath that he believed him to be of unsound mind, and yet Dr. Begley had been called as a witness for the Crown. He bade the jury, in conclusion, remember that if they found the prisoner insane he would never again have an opportunity of committing such an act. Even if cured he would never be allowed to rejoin the world. When, therefore, two alternatives were before them—the scaffold or the asylum—he could not doubt which they would choose.

Mr. William Joseph Fraser, solicitor for the defence, was called as a witness, and produced certificates proving that the prisoner was baptised in Crayford Church, on the 30th of December, 1804, and married to the deceased lady at St. Mark's Church, Dublin, in January, 1845. Mr. Watson, he said, was a gold medallist of the University of Dublin. He also produced various letters, written to the deceased by the prisoner before their marriage, and found in a drawer in her bedroom. He spoke in these (which were read at length by Mr. Read, the Deputy Clerk of Arraignment) of his acquaintance with her when he was at the University, of the high esteem and respect with which he had always regarded her, and of her being a lady of great excellence. He also went fully and candidly into his position, means, and prospects. The letters were couched in very respectful terms, and many of them appeared to have been written in answer to some he had received from her. The witness also produced a list of the prisoner's published works, and those in manuscript, to the number of about 50 in all.

In answer to Mr. Denman, he said he was a pupil of the prisoner at the Proprietary Grammar School at Stockwell, from Easter, 1856, to July, 1861. Since then he had occasionally corresponded with him. He visited his house in January, 1871, on business connected with the school, of which he was one of the proprietors. He found all the books and documents in the places mentioned by the prisoner in the paper addressed "to such as may care to read it."

The Rev. Follitt Baugh, Rector of Chelsfield, Kent, examined by Mr. Thesiger, said, in September last, when his curate was absent for a time, the prisoner was recommended to him, and he engaged him to assist him on the third of that month. He seemed at first rather nervous, and during the prayers he appeared so weak, dreary, and listless that witness, although unwell, performed the whole of the Communion service himself. After church he and witness walked to the rectory—a distance of a quarter of a mile—to lunch. The prisoner

appeared to be labouring under extreme depression of mind or body, or both, which showed itself in gloomy silence, continuing throughout the day, and a total absence of interest in all that was going on around him. Witness and his wife tried to get him to talk, but he merely replied in monosyllables, and did not originate a single observation. It seemed, in fact, to be an effort for him to speak. In consequence of his condition, witness himself preached at the evening service. The prisoner read the prayers in the same weak tone of voice. Afterwards he returned to the rectory to dine, but he exhibited no change in his manner, which continued to be dejected and depressed in the highest degree. Witness, contrary to his usual practice, ordered his carriage out, and drove the prisoner to the railway station in the evening. He did not know anything of his antecedents. He attributed his condition at the time to natural decay, consequent upon old age.

By Mr. Poland—He should have thought the prisoner was 75 years of age. There was nothing irrational in his manner, or his answers, such as they were.

Mrs. Baugh, the wife of the last witness, gave confirmatory evidence. She said that the prisoner scarcely raised his head or opened his eyes during the whole day. He suggested at evening service that she should read the lessons, and he appeared to be in earnest. She thought by his manner that he was completely crushed by some great sorrow. His conduct made a considerable impression upon her.

Being cross-examined, she said the prisoner did not take an interest in anything, but he was neither morose nor sulky. She tried to converse with him on many topics, but without success. She believed that he had a sermon to preach if necessary.

Mr. Rogers, proprietor of the Beulah Laundry, Stockwell, spoke to having known the prisoner by sight and reputation for 20 years. On the 7th of October last, the day preceding the murder, he met him in the Clapham road. His eyes were glaring, and as he approached witness he threw his umbrella under his left arm, made a deep gurgling noise in his throat, and clinching his fist, made three or four gestures with his right arm. After they passed witness turned round, and noticed that he was still acting in the same way. A few months previously, on meeting him, he saw that his eyes were cast upwards, and his lips were moving, as if in prayer. He had a very vacant look, and witness thought that his mind was going.

The Rev. Joseph Wallis, vicar of St. Andrew's, Stockwell, said that for the last three years Mr. Watson and his wife had attended his church. He had known him more than ten years, and had seen him frequently. No man could have a higher character for kindness and humanity. On the 3rd of November last he visited him, at his request, at Horse-monger-lane Gaol, and was with him about three-quarters of an hour. He had quite forgotten that he had sent for witness. His conversation and intelligence were very unlike what witness had previously observed. He told witness that, if he had opened his mind before to

him, he, perhaps, might have taken a different course. He passed rapidly during the interview from one subject to another, and they had no apparent connexion. That had not been at all his habit. He spoke about what he called "That horrible inquest," and complained that they would not let him shave there. There was about his manner a strange absence of remorse for what he had done. He was full of anxiety about his house, saying he would have no place to go back to, and he appeared especially concerned about his library. Witness mentioned a Latin letter he (the prisoner) had written, which the Bishop of Winchester had commended, and the prisoner said, "Here's a man with whose Latin the Bishop of Winchester has been pleased, and they have shut him up in a place like this." He talked about writing an essay on the union of Church and State, but complained that he could not have the use of his books.

Being cross examined by Mr. Denman, witness said he had known Mr. Watson in many ways for more than ten years. On two or three occasions he had asked the aid of witness in procuring an appointment for him. He appeared depressed about the loss of the school. Witness visited him thrice at Horsemonger-lane Gaol; and on another of those occasions he was concerned lest his library and furniture should be sold. During one part of the conversation at the first interview he asked where Broadmoor was. That is a place where criminal lunatics are confined.

Mr. Robert Coleman Hall, a tea-dealer residing at Brixton, said that in January, 1871, he had occasion to call on Mr. Watson respecting his (witness's) son, who was at the school. Witness had known him ten years previously. He appeared on that occasion to be depressed and "lost." He talked about the loss of the school, and said he had not been well treated.

Henry Maudsley, M.D., Professor of Medical Jurisprudence at University College, said he had paid great attention to insanity, and had written a work on the Physiology and Pathology of Mind. He had lectured on it at St. Mary's Hospital, and had been resident physician at the Royal Lunatic Asylum at Manchester. He visited Mr. Watson on the 27th November last, in order to ascertain the state of his mind, and was with him for an hour. At the end of the interview he was of opinion that he was not of sound mind. That was the conclusion at which he arrived. He believed from the symptoms he had been suffering from an attack of melancholia. Mr. Watson is 67 or 68 years of age. An attack of melancholia at such an age would have greater effect than upon a younger person. He had heard Dr. Sheppard examined on Thursday, and agreed in the main with his description of melancholia. A person suffering from it was liable to outbursts of mad violence. While in that state a patient's reason was in abeyance, and he was unconscious, or nearly so, of what he was doing. His mind was decidedly deranged. After such an attack the mind sometimes regained comparatively its tone, the time of regaining

it varying ; and before the attack itself the patient might appear calm and comparatively rational. His conversation in such a case would be coherent and rational. He had known patients who had shown violence under the disease. It was accompanied by dangerous propensities—by suicidal violence much more frequently than homicidal violence. That would form a very strong evidence that such a patient was of unsound mind. On a person labouring under melancholia a slight provocation would have a very powerful influence. The disease usually came on gradually. Continual depression after some shock or loss would be an element with witness that the mind was becoming unsound, but that would vary much in different temperaments. Old age especially would tend to develop depression into melancholia. After a paroxysm of violence a patient under melancholia might appear sane and be so. It was a disease which yielded to medical treatment; but success depended very much on the age of the patient. Callousness was very common after any act of violence done in a state of insanity. During witness's interview with the prisoner he seemed callous and indifferent. In judging of sanity or insanity witness would take into consideration the act itself, the circumstances under which it was committed, together with the patient's previous life. Suicide with an insane person might be entirely impulsive as well as crafty. Persons suffering from melancholia were in some cases aware of a tendency in them to suicide. A patient under witness's own care repeatedly told him he would commit suicide if he was not watched, and eventually he did commit it. The instance of Charles Lamb and his sister was well known in medical books. It was homicidal in her case; she killed her mother. Method or design was common in insane persons, as was also the concealment or denial of an act while committed in a fit of insanity. Witness was much impressed with the indifference the prisoner showed in regard to the crime and the position in which he was placed.

By Mr. Denman—Melancholia was a form of madness distinct from the ordinary melancholy from which a sane person would suffer. It was a diseased state of mind which was a morbid aggravation of ordinary melancholy. Simple depression to a great extent might be melancholia. The characteristic of melancholia in its earlier stage was extreme depression. A person who had suffered a great loss might be greatly depressed, and that might be a symptom of melancholia. In all the cases that had come under his personal experience, he had always found some evidences of insanity before a crime. There were cases recorded by the highest authorities in which no such symptoms were said to have been observed. A homicidal impulse was but a symptom of the disease. He adopted the term impulsive insanity as a subdivision of the general term, affective insanity.

The Judge, remarking upon the term "affective," which the witness had used, said he thought they were rather getting into the clouds.

Witness, in continuation, said in the case of Miss Lamb, it was after

the murder that she was accustomed to walk towards the asylum with her brother. When he saw Mr. Watson in Newgate he appeared perfectly conscious that he had done a wrong act. That was the only occasion on which he saw him, and he was with him for an hour. The depression leading to melancholia usually came on gradually, and went on in intensity until there was some outburst. The cases varied much according to the bodily state of health. Mr. Watson did not appear to realize the terrible character of the act during witness's interview with him. He asked the prisoner about the events which had immediately preceded the crime. He replied that his wife was of a rather hasty temper, and said something angrily to him. He did not say what she had said to him. He said he had struck her on the head with a pistol. It was one, he added, which had belonged to his grandfather, and which he had always had by him. He did not say whether he had fetched it or not when he was provoked. They had had, he said, other quarrels of that kind during their lives.

By Mr. Serjeant Parry—Witness was still of opinion he was of unsound mind when he saw him, and that he must have been so for months.

By the Judge—The proper treatment of melancholia would, in his opinion, be the placing of the patient under proper care, giving him suitable medicines, and employing his mind.

Dr. George Fielding Blandford, a Fellow of the Royal College of Physicians, said he had for a considerable number of years devoted his entire attention to the treatment of insanity, and had written a work on the subject. He was a lecturer on psychology at St. George's Hospital, and visiting physician at Blacklands and Otto-house private lunatic asylums. In company with Dr. Maudsley he examined the prisoner. There was a well-defined form of madness called melancholia. When a person of advanced age became insane, melancholia was generally the form under which he suffered. Any sudden shock, such as loss of position or fortune, might bring it on. It had a very particular tendency towards suicide and homicide, though towards the former more strongly. Persistent attempts at suicide would be an element in considering whether a patient was insane or not. The first symptom of melancholia was an alteration in the patient's appearance, accompanied by both mental and bodily depression. An alteration in the general bearing or mental condition to any extent would, he thought, arouse suspicion, and excite attention in the minds of medical men. Sleeplessness was undoubtedly one of the symptoms of a disturbed brain, in almost all forms of insanity. If that sleeplessness did not yield to morphia, but continued, it would be a very serious condition. It was necessary, in order correctly to judge of a person's insanity, to ascertain the antecedents of himself and his family. The extreme and unnecessary violence exhibited by a certain homicidal act might be an evidence of insanity, as might also be indifference after the act was committed. He saw the prisoner on the 27th of November in New-

gate, and was with him about an hour. He came to the conclusion that he was then of unsound mind. The insanity in this instance was certainly not an affair of days or weeks, but he could not fix any limit of time. Witness had heard the evidence of the Rev. Mr. Baugh and his wife, and Mr. Rogers ; and assuming the appearances existed as described by them, the symptoms were such as he had observed in his own experience in persons suffering from melancholia, and tended to show a certain form of insanity.

Being cross-examined, he said he should not have given a man a certificate of insanity on such statements alone. He only saw the prisoner once, and that was in the presence of Dr. Maudsley, Dr. Rogers, and Mr. Gibson. An attempt at suicide after committing a homicidal act would, he thought, be as great an element in insanity as an attempt without any crime at all. In ordinary cases, of course, it would not be so great. In insane persons committing a crime there was very frequently an absence of remorse. The prisoner's whole manner indicated anything but sorrow for his act. He seemed to regret that the circumstance had occurred, but not to feel any remorse. He appeared indifferent as to the consequences. There was a degree of cheerfulness about his answers which struck witness particularly. The prisoner seemed to know for what purpose they had come. Witness had expressed in his book a strong feeling of dissatisfaction with the law as laid down by the Judges in cases of insanity—viz., as to the crucial test being whether prisoners knew the difference between right and wrong at the time of the crime.

Mr. Denman explained that the question had not been put with a view to damage or prejudice the witness in the eyes of the Court.

Mr. Justice Byles said there was no imputation upon the witness for saying so, as even among the Judges there were some who thought that a better form or test might have been adopted.

Witness, continuing, said that there was in most cases some evidence of derangement prior to the commission of the act. Of 52 cases reported by Dr. Grey there was in each independent evidence of insanity besides the act. The cure for melancholia would be treatment in a quiet place, seclusion from anything worrying or disturbing, good food, regularity of hours, and employment to distract the mind from the morbid thoughts which had entered it. A sudden cessation from regular employment might serve to engender those thoughts.

Dr. Joseph Rogers, of Dean Street, Soho, said he had been in the medical profession for nearly thirty years, and in the course of his practice he had become well acquainted with the treatment of insane persons. He had seen the prisoner five times altogether, and he agreed generally with the evidence of the last witnesses. He believed him to be of unsound mind.

Cross-examined by Mr. Poland—The prisoner was suffering from melancholia. He saw him first at the request of his (the prisoner's) solicitor, on the 11th of November. A person might be in low spirits

with sound health, but melancholia was a disease of the brain. The prisoner seemed to have no delusions. Melancholia was an exaggeration of extreme low spirits. At the first interview he put the prisoner in a good light, and watched his countenance while conversing with him. He had a generally dazed appearance, and when his countenance was at rest he seemed lost. He showed great and singular indifference to the whole affair. As an instance of his irrational conduct he might state that while the conversation was going on he picked a piece of fluff from his trousers, and jumping up gave himself a regular "shake-down." He said he was entitled to some consideration for what he had done in the past. That seemed to witness to be extremely irrational, seeing that he had only been a schoolmaster. There appeared to be some difficulty in his collecting his thoughts. His (witness's) treatment for melancholia would be to make a radical change in the habits of the patient. The prisoner told him that he became angry at something that his wife said to him, and he did the deed. He said he inherited the pistol from his grandfather, but did not say where he took it from at the time of the murder. He talked in a light and frivolous manner. Witness, referring to his attempted suicide, asked him how he, as a Christian minister, dared to seek to throw himself in that way into the presence of God. He replied that there was no prohibition against suicide, only against murder. He did not state what his wife had said to provoke him. He explained that she had irritated him at different times, but that he had always restrained himself; also that he believed the prussic acid was so strong that one dose would have killed him. Witness asked him what he required the box for, to which he replied, shrugging his shoulders, that he did not want it for the purpose which had been assumed. The two Crown physicians on visiting him told him for what purpose they had come. The prisoner made some reference to Broadmoor, saying that the chaplain had told him something about it.

Re-examined—There was not the slightest indication that he was trying to withhold any fact. He still believed him to be of unsound mind.

Mr. Justice Byles then proceeded to sum up. After stating the charge against the prisoner, he said there was one matter which was often the question in such cases, but which did not arise in the present inquiry—viz., whether the prisoner did kill the deceased. This was admitted by the prisoner's counsel. It was also clear that there was no provocation which would reduce the crime from murder to manslaughter. The real and only question in the case to which the counsel had directed their attention was the true question, and it was this—Was the prisoner at the time he committed the act legally responsible for it, and was he a responsible agent? That depended upon a question, on which the counsel also agreed, did he at the time he committed this act know what he was doing? If not, of course he was not criminally responsible. Did he also know that what he was

doing was wrong? He was perfectly aware that doubts on the universal applicability of this rule had been expressed by many eminent persons for whose opinion he had the greatest respect. But if it was to be altered at all, it must be altered by Act of Parliament. It was the rule laid down by the Judges, and was that which guided the House of Lords in a well-known case, when a learned Judge, perhaps the most learned and the most cautious he could remember, Mr. Justice Maule, expressed a doubt upon some parts of the rule not now before the jury, but upon this part of the rule he was of the same opinion as the other Judges. Therefore, the jury must take it from him, and upon the authority of counsel upon both sides. The question then was, did the prisoner know what he was doing? If that was not the law, it must be altered by Act of Parliament. There was not very much encouragement to make an alteration; for one of the learned counsel (Mr. Denman), at any rate, would remember that not long ago when an alteration as to the definition of the crime of murder was attempted, it signally and ignominiously failed. Having stated what the question for their consideration was, he would now proceed to read the evidence. The jury had heard it at great length and also the learned counsel on both sides, a privilege which, after long experience, he valued more and more every day. The evidence was then read over by his Lordship. The jury, he went on to say, were to look at the act itself, and to say whether they believed upon the evidence that the prisoner was or was not in a condition to know what he was doing, and the nature of the act at the time he committed it. Mr. Denman was perfectly right when he said that the burden of proving that lay upon the prisoner. *Prima facie*, this was a case of murder. They had had a large body of evidence to show that the presumption was rebutted by the circumstances of the case, and that the person who committed it was not of sound mind in this respect, and that he did not know what he was doing and the nature and consequences of his act. There was abundant evidence that after the offence he was conscious that the act was wrong; but the question was, was he conscious that he was wrong not after, but at the time? Something had been said about suicide. He did not think that the attempt to commit suicide was so very material either one way or the other. This might be said certainly. The learned counsel for the prosecution, who was himself a distinguished scholar, knew perfectly well that in the ancient heathen philosophy, in the times of Zeno and Epicurus, after all the duties and trials of life had gone, and nothing but suffering remained to be endured, it was taught that a man might go quietly out of the world. But one of the wisest men had written that the human frame should be taken to pieces, and was best taken to pieces by the Power that compacted it and put it together. The doctrine of the Christian Church was plain. They would be doing the prisoner no more than justice by supposing that he believed the doctrines he taught; and, therefore, suicide in a clergyman, who believed in the doctrines of re-

penitance and forgiveness, was a more formidable sin than in ordinary cases, in which persons committing it rushed into the presence of their Maker in the commission of actual sin. It might be that this act of suicide should be looked at in that light, and not as though it was precisely the case of any ordinary individual. He had endeavoured to state the evidence to the jury on both sides. If they fancied they discovered any leaning in him, he begged them to disregard it altogether. The responsibility was not with him, and he did not mean to assume it. It was entirely with them. *Prima facie*, it was a case of murder, but if they thought upon this evidence, he might say well deserving their consideration, either that the prisoner did not know what he was doing, or did not know he was doing wrong, in that case they would acquit him, but they must state the reason why.

The jury retired at five minutes past five o'clock to consider their verdict, and returned into court at twenty-five minutes to seven. Their names having been called over, and the prisoner having been brought to the dock, the Clerk of Arraignment (Mr. Avory) asked them if they had agreed upon a verdict. The foreman replied that they had.

Mr. Avory—Do you find the prisoner Guilty or Not Guilty?

The Foreman—We find him *Guilty*, but we wish strongly to recommend him to the mercy and clemency of the Crown on account of his advanced age and previous good character.

Mr. Avory, amid profound silence, asked the prisoner if he had anything to say for himself why the Court should not give him judgment to die according to law.

The prisoner, in a low voice, answered—I only wish to say that the defence which has been maintained in my favour is a just and honest one.

Mr. Justice Byles, assuming the black cap, said—Prisoner at the bar, nobody who has heard this trial can regard your case otherwise than with the deepest compassion. My duty is simply to pronounce the sentence of the law—that you be taken to the place whence you came, and then be delivered to the custody of the Sheriff of Surrey; that you then be taken to a place of execution, be hanged by the neck until you are dead, and that your body be buried within the precincts of the prison. May the Lord have mercy on your soul!

The prisoner, who was evidently in a weak state, was removed from the dock with the assistance of two warders.*

* The following description of the scene in court appeared in the *Globe*:—

The trial of the Rev. John Selby Watson for the murder of his wife was in every way one of the most remarkable of modern times. The position, age, profession, and high literary attainments of the accused, the horrible atrocity of the crime, the obscure psychological phenomena of insanity upon which the defence was based, the singular indifference exhibited by the prisoner throughout the trial, and above all the unexpectedness of the verdict of guilty returned in the teeth of a summing-up by Mr. Justice Byles which, while it deviated not one hair's-breadth from the strict line of judicial impartiality,

We shall not enter into any lengthened comments on this case, but leave the evidence as we have taken it from the somewhat curtailed, but fairly accurate report, in "The Times." The theory of the prosecution was that Mr. Watson, being of sound mind, killed his wife in a passion, in conse-

suggested an acquittal on the ground of insanity in words that could not be mistaken by any one who heard it—all these incidents serve to invest this trial with an unusual interest; and, unless we are much mistaken, the propriety of the verdict and the question of the sanity of Mr. Watson at the time of the murder will continue to be a subject of fierce debate for many days to come. During the whole of the trial the prisoner maintained the same expression and attitude. He is a thick-set man, with the stooping gait of age. Whatever organs of destructiveness and combativeness a phrenologist might profess to discover in the cranium of this murderer, the ordinary observer would be attracted by the breadth of the prominent forehead; the quiet acuteness of the sunken gray eyes; the pensive, studious aspect of the whole countenance; the grave, ponderous demeanour of the scholar of "the old school." He hardly moved except to take a note now and then, after which he would relapse into his accustomed state of moody indifference. The evidence of the witnesses appeared to attract his attention but little, the speeches of the counsel still less, the summing up of the judge not at all. It is not often that a trial of this importance is carried on with more fairness, dignity, mutual goodwill, and ability combined, than were exhibited in this instance by the counsel, both for the prisoner and for the Crown. We have become a little too much accustomed of late to sparring matches between leading advocates during the heat and excitement of the forensic fray, and it is positively refreshing to find a case in which all the counsel engaged tacitly agree to forget their own importance, and to resist the temptation to little "tiffs." Mr. Denman's fairness and temperateness in conducting the prosecution were so conspicuous as to be more than once the subject of encomium by the learned judge in his summing-up. Serjeant Parry was, as he always is, accurate, eloquent, earnest, and zealous. The examination of the witnesses by the junior counsel on both sides was admirable in every respect. So far it was a model trial. It is the verdict alone which can provoke criticism. Daylight had changed to dusk, and dusk had deepened into darkness, yesterday afternoon before Mr. Justice Byles had finished his summing-up and the jury retired to consider their verdict. Everybody said that it was a mere matter of form, and that after what the judge had said, an acquittal in a few minutes was quite certain. The judge kept his place, the counsel and spectators kept theirs, but the prisoner was removed from the dock; a quarter of an hour elapsed, but no jury appeared; half an hour, and the buzz of conversation wanes under the silence that impatience begets; three-quarters, and the prisoner's counsel begin to look anxious and to confer in serious whispers, and a rumour born of conjecture goes about that the jury have disagreed and must be locked up for the night; an hour, an hour and a half, and it is half-past six; the spectators glance nervously at the clock and the door of the jury-room. At last a cry of "Silence" heralds the entrance of the jury. The judge, who has retired, is sent for, and when he arrives the prisoner is placed at the bar. There is a dreadful silence while the jurors' names are called, and an irrepressible sigh of pity when the fatal word "Guilty" is uttered by the foreman, and then there is a dreadful silence again, and the gaze of every one is turned upon the venerable face and form of the convict, who stands calm and unmoved, and seemingly lost in thought. The judge is evidently pained and distressed, and can hardly utter the text of the dreadful sentence.

quence of some provocation which he received from her. The theory of the defence was that in consequence of the unexpected loss of his office, his failure in his attempts to get further employment, and the prospect of destitution which lay before him, his mind had given way; that he had showed symptoms of melancholia before the murder; that, under a provocation which he would have easily resisted in health, the act was done in a paroxysm of homicidal fury, such as notably is sometimes an effect of melancholia; and that the symptoms which he presented in Newgate were such as might be expected, in an old man, to follow the attack of insanity which he was presumed to have had. It was unfortunate for the defence that an important witness as to the mental state of Mr. Watson before the crime, was unable, on account of serious illness, to attend the trial. By order of the judge, and by consent of the prosecuting counsel, after seeing the evidence which this witness was prepared to give, the trial had been put off from the previous Sessions of the Central Criminal Court, but when it came on he was still unable to attend. We believe that this witness, a gentleman engaged in tuition at Liverpool, would have given evidence to the effect that he had entered into negotiations with Watson with regard to a joint educational project; that he had visited London for the purpose of having an interview with him; and that he found him so strange, when he came to talk with him, that he had concluded he was not in his right mind, and broke off the negotiations. Doubtless there is some good reason why evidence which may be taken by commission in a civil trial cannot be so taken when a prisoner is on trial for his life, but it is clear that the rule may press hardly on a prisoner.

In some of the comments which have been made on this trial it has been asserted, notwithstanding the evidence actually given, that the defence rested entirely on the assumption of a paroxysm of homicidal fury in a person whose mind had exhibited no previous symptoms of disorder. This was not so. The mental disorder alleged to have existed before the homicide was that form of morbid emotion or simple melancholia in which the *raptus melancholicus*, most often suicidal, but sometimes homicidal, is certainly apt to occur.

In melancholia, as Griesinger observes, this emotional state of uneasiness, anxiety, and mental suffering, give rise to certain impulses of the will, which are expressed in outward actions that always

have a gloomy, hostile, and destructive character. The ideas and feelings which thus pass into efforts, and the acts which are the result of them, may be directed either against the individual himself, against any other person, or finally against inanimate objects; and according to the difference of the outward act, these cases have been described as different monomanias—monomania of suicide, homicide, arson, &c. Directly and immediately connected with the suicidal impulse is the morbid tendency to injure and destroy other persons. Not only do these tendencies frequently occur together, not only have these acts of violence against others, which are often perpetrated upon those most loved and cherished by the patient, fundamentally the same essential character as the tendency to self-injury, but, in general, both depend upon the same fundamental state of morbid emotion, and in both there may be also observed certain differences in the immediate morbid cause. In regard to a great many of these cases, there is a most important and characteristic circumstance which we have already adverted to in speaking of suicide, namely, the freeing of the patient from his painful emotions and thoughts by the fact that the deed committed has become objective to him: the ease and calm which he gains by the expression of his mental suffering in the accomplishment of the deed—a circumstance which gives to these acts what has been termed a critical significance.

The case of Samuel Wallis, to which we have referred, furnishes an illustration of the truth of these observations; and, indeed, many of the suicides and homicides by insane persons, which are almost daily reported in the newspapers, are examples of such acts of violence by persons labouring under commencing melancholia, who have not been thought ill enough by their friends or medical attendants to be placed under control.

Of this kind, apparently, was the insanity of Charles Lamb's sister, Mary Lamb. Worn down to a state of nervous depression by attention to needlework by day, and to her mother by night, "she had been moody and ill," says Barry Cornwall, in his life of Charles Lamb, for a few days previously, and the illness came to a crisis on the 23rd September, 1796. On that day, just before dinner, Mary seized a "case-knife," which was lying on the table, pursued a little girl (her apprentice) round the room, hurled about the dinner forks, and finally, in a fit of uncontrollable frenzy, stabbed her mother to the heart. Charles was at hand only in time to snatch the knife out of her grasp, before further hurt could be done. He found his mother dead, and his father bleeding at the forehead from the effects of a blow which he received from one of the forks. After the inquest, Miss Lamb

was placed in an asylum, where she was in a short time restored to reason. When we peruse the angry articles which appear in some newspapers, and observe the savage sentiments expressed, whenever the defence of insanity is set up at a trial for murder, we wish deeply that the writers would read and bear in mind the sad story of Miss Lamb, and try to realise the fact that the case might be theirs. Actual experience of insanity in one near and dear makes a wonderful alteration in the tone of speaking about the dreadful malady, and it sometimes happens, under such circumstances, that those who have been most violent against the "mad doctors," become equally loud and violent against the barbarity of the law. They would heroically hang madmen who do murders, until they are touched themselves by its nearness in a beloved member of the family. To have so felt its affliction, and to have so known its strange inconsistencies, its impulsive paroxysms, its senseless cunning, its reasoning unreason, usually softens men's minds, and prevents them from being fierce and brutal. We say *usually*, because, incredible as it may seem, it does sometimes happen that a person who has a near relative insane, will show himself exceptionally severe and savage in his denunciation of the mercy shown to the murderer who is alleged to be insane.

It has furthermore been asserted that there was not any case on record of an impulsive act of homicidal insanity in a person who had not shown any symptom of insanity before the act. In answer to this erroneous statement, we may again simply quote so well-known and eminent an authority as Griesinger, who says—

Almost as obscure, in so far as the motives which dictate them are concerned, and yet of the greatest importance in a medico-legal point of view, are those cases where individuals, hitherto perfectly sane and in the full possession of their intellects, are suddenly, and without any assignable cause, seized with the most anxious and painful emotions, and with a homicidal impulse as inexplicable to themselves as to others.

There are, in fact, numerous such cases on record, and they are related or referred to, we believe, by every writer of authority on insanity from the time of Pinel down to the present day. One more quotation, from Dr. Ray's valuable "Treatise on the Medical Jurisprudence on Insanity," shall, however, suffice here:—

The last and most important form of moral mania that will be
VOL. XVIII. 7

noticed, consists in a morbid activity of *the propensity to destroy*; where the individual, without provocation or any other rational motive, apparently in the full possession of his reason, and oftentimes in spite of his most strenuous efforts to the contrary, imbrues his hands in the blood of others—oftener than otherwise of the partner of his bosom, of the children of his affections; of those, in short, who are most dear and cherished around him. The facts here alluded to are of painful frequency, and the gross misunderstanding of their true nature, almost universally prevalent, excepting among a few in the higher walks of the profession, leads to equally painful results. In the absence of any pathological explanation of this horrid phenomenon, the mind seeks in vain, among secondary causes, for a rational mode of accounting for it, and is content to resort to that time-honoured solution of all the mysteries of human delinquencies—the instigation of the devil. Of the double homicide to which this affection gives rise, there can be no question which is most to be deplored; for, shocking as it is for one bearing the image of his Maker to take the life of a fellow being with brutal ferocity, how shall we characterise the deliberate perpetration of the same deed under the sanction of the law and the popular approbation? We trust, however, that the ample researches of writers of unquestionable veracity, and which are now just reaching the attention of the legal profession, will be soon followed by a conviction of past errors, and a more rational administration of the criminal law.

So much for the testimony of authority on the one hand. On the other hand, Dr. Sheppard “did not think there was any case on record of an impulsive act of insanity involving homicide in a person who had not given any evidence of insanity before;” and in a letter which appeared in the “Times,” before the decision of the Home Secretary with regard to Mr. Watson’s fate was announced, he expressed himself very positively and confidently:—“Certainly I have never heard of, and never seen in my large experience here or elsewhere, any homicidal or suicidal attempt without antecedent evidence of unmistakable insanity.” In fact, “antecedent evidence of intellectual impairment and affective disturbance is very marked in those cases, and impulsive acts of a lesser kind (such as breaking furniture, tearing clothes, &c.), are the accompaniment.” If Dr. Sheppard will extend his reading, we feel sure that he will soon discover the error of his statement; and if he will extend his observations, forbearing meanwhile a hasty and inadequate generalisation from his experience of the demented and destructive lunatics at Colney Hatch, we feel sure that he will be amazed, as most of our readers will be, at the assertion that tearing of clothes and

breaking of furniture are the accompaniment of homicidal impulse. We doubt whether it would not be more true to say that the most dangerous homicidal lunatics are the most sensible and plausible of insane patients, and discover least evidence of insanity. However, whether that be so or not, there can be no doubt of the cases on record in which there was no antecedent evidence of unmistakable insanity, and of the agreement of authorities of weight on that point. Nor is there anything extraordinary in the fact, as Sir William Gull pointed out in his address to the Clinical Society—

Lately you are aware I have been called upon to make a diagnosis of the finest kind, of the working of the function of the brain as expressed in the mind—not to diagnosticate a tumour, a ramollissement, a degeneration of the brain, but to test its moral and intellectual dynamics. There is often encountered a prejudice at the outset of such an inquiry from the taunt that the doctors assert that such and such a person is insane because he has committed a crime. But permit me for a moment to point out that we judge of the previous strength of any material by the strain it will bear. Should it break under the test, it would be absurd to maintain it could not have been made weak or imperfect beforehand; and may not the first evidence of mental and moral defect be due to some stress of circumstances, often exaggerated and distorted, which is put upon the brain, and that break-down which in another would be crime becomes the first sign of insanity? In the defects and diseases of other organs this is a matter of the tritest experience. How often does aortic or mitral imperfection first become known by some sudden exertion; yet who would on that account deny the previous weakness? The beginnings of disease are, as a rule, latent and obscure, and discover themselves only when some strain is put upon the weak part. Illustrations of this are at hand on all sides, whether in the heart, the lungs, the abdomen, or the brain. It was only our ignorance which led us formerly to believe in acute idiopathic disease in healthy subjects, and it is probably equally so with nervous conditions, and with the mind. There are, doubtless, many persons living uneventful lives who maintain a sane equilibrium until influenced by some circumstance, real or imaginary, and who then at once show their weakness; and yet from the high seat of justice we often hear the objection put forth as an argument that there was no sign of insanity beforehand, and therefore the patient was sound. But the sign of unsoundness may be what has occurred. I am sure we, as clinical students, have our minds perfectly alive to this, and although some of the most learned and practical men in our profession maintain that the diagnosis of the intellectual and moral status is an inquiry we ought not to take up, and that the common sense of man fits everyone equally to make this diagnosis with the most accomplished physician, I cannot think so; and if it be a fact it must not so remain, for it would be un-

worthy of us to leave uncultivated a field of inquiry so important to man. *Medici sumus, humani nihil nobis alienum esse putamus.* As medical men we know of tendencies to latent insanity without the least overt evidence of their existence; minds which on a strain will certainly give way. We know this as well as we know of weak and imperfect hearts or other viscera, which perform their functions fairly until called upon to meet some extra demand, and then they fail altogether. The onset of acute disorders of mind or body, to use a common expression, by no means coincides with the date of their causes. This is so well established in medicine that we go back upon a latent cause from the occurrence of acute effects, feeling assured we shall find it, however previously hidden. It is only the ignorant who can overlook these connexions, and yet in matters of the mind this oversight is esteemed the safeguard of truth.

Returning now to the case of Mr. Watson, on which the immediately preceding remarks have no special bearing, except so far as erroneous scientific statements might have prejudiced his fate, it remains only to mention that he was reprieved on the recommendation of Mr. Justice Byles, in which the Lord Chief Justice concurred, and that his sentence was commuted to penal servitude for life. This conclusion, though eminently British, does not appear a very logical one; for if he was not mad at all, he certainly deserved hanging if ever man did, and if he was mad it was hardly right to consign him to penal servitude. The verdict of the jury was understood to be a compromise between those who thought him insane and those who did not think him insane, five being of the former and seven of the latter opinion. They would not acquit him on the ground of insanity, but they would strongly recommend him to mercy, so that he might not be hanged, and so would transfer the responsibility of his ultimate fate elsewhere. But it was hardly desirable to endorse a recommendation to mercy on grounds which, if they mean anything, mean that a man who has had a previous good character, and has passed sixty years of age, may commit murder without danger of being hanged for it. Previous good character, and the attainment of an age when the passions are slumbering to their decline, are rather, one might argue, aggravations of a murder than otherwise. The judicial recommendation seemed equally inconsistent; it must, indeed, appear the more so since we have heard from the speech of Mr. Winterbotham, the Under Secretary for Home Affairs, to his constituents at Stroud, and as the tenor of the summing up seemed to imply, that the learned judge entertained

and expressed a belief that Watson was insane.* However, we feel no inclination to quarrel greatly with the decision; sane or insane, Mr. Watson did not inspire us with much regard for his character; and as the punishment to which he has been sentenced is not an irrevocable one, it will be easy to make a change should it appear just to do so. Meanwhile it does an insane person no harm to make him work if his health will bear it.

In taking leave of the case it is a gratification to testify to the calm, dignified, and impartial manner in which it was tried by Mr. Justice Byles. Such a testimony to the impartiality and dignity of the English Bench may seem superfluous and unnecessary, but no one could think so who witnessed the marked and painful contrast presented by the trial of Christiana Edmunds, before Mr. Baron Martin, in the same court in the following week. In the course of the examination of the medical witnesses for the defence Mr. Justice Byles intimated that there was a difference of opinion among the judges with regard to the worth of the legal criterion of responsibility in cases of alleged insanity, some of them believing that it might be put in a better form, and when a passage from Dr. Blandford's work condemning the legal criterion was read, the learned judge expressed his agreement with the strictures. Let us hope that the day is not far distant when we shall hear no more of it except as a curiosity of bad law. It will not pass away without having done its work, for in its time it has assuredly sent the souls of many insane persons to Hades.†

* In his speech to his constituents, at Stroud, Mr. Winterbotham, the Under Secretary of State, said:—"The learned judges who tried Watson and Edmunds came to the decided opinion that in each case the prisoner was insane, and ought not to be executed. In the case of Mr. Watson the Home Secretary acted, as he invariably did, upon the recommendation and report and strongly expressed opinion of the judge who tried the case, confirmed as it was by the opinion of other judges." The fact is, as we have been informed, that the Lord Chief Justice and Mr. Justice Byles reported that in their judgment Mr. Watson was insane at the time he killed his wife, though they did not go so far as to say that he was legally insane. Special instructions have been given that Mr. Watson shall be carefully watched in prison, and that, if he exhibits any symptoms of insanity, he shall be removed at once to Broadmoor.

† We may instance the recent case of Addington, a shoemaker, who was tried at the Northampton Assizes in July last. He was married, had always been much attached to his wife, and treated her kindly. On the 30th of May he was seen talking quietly to her in front of the house, when he suddenly lifted her up and carried her into the house. A scream was heard, and he came out to say that he had stabbed his wife. He had done so with his shoemaker's awl. The woman died, saying that he had struck her in a fit of passion, and expressing with her last breath her affection for him. He confessed at once what he had done, and gave himself up to the police. In due course he was tried, convicted, and sentenced

The trial of Christiana Edmunds took place in the week after that of Mr. Watson. It was an unfortunate thing for both prisoners that their trials did come so near together, for as they were both persons of some education and position, and as the allegation of insanity was made in both cases, prejudice was excited against the defence. Suspicion was naturally felt by some persons that this sort of defence was only adopted in order to rescue persons of the better classes from the scaffold. There was no real ground for such a feeling. Had the prisoners been the poorest of the poor, we believe that the same kind of defence would have been adopted; but it is quite possible that, if they had been poor and friendless, and so without means to obtain proper legal help, the defence would have been of so feeble a character as to have made no impression, and might perhaps have been laughed or sneered out of court. There is certainly not the same justice obtainable by rich and poor when the cost of conducting a prosecution properly, or of maintaining an adequate defence, is utterly beyond the means of the poor and friendless.

We take the following summary of the case for the prosecution and the report of the evidence for the defence from the "Times":—

Christiana Edmunds was charged with the wilful murder of a little boy named Barker, at Brighton, on the 12th of last June. On that morning the boy's uncle bought some chocolate cream drops at the shop of a respectable confectioner, named Maynard. In the afternoon the boy ate of the drops, and died in half an hour afterwards, under evident symptoms of poisoning from strychnine; and his stomach was found after death to contain a dose of that poison sufficient to kill an adult. An inquest was held on the child, and a verdict of "Accidental Death" returned. Public feeling, however, was much dissatisfied, and subsequent occurrences aggravated the excitement. In the end the prisoner was charged with an elaborate and prolonged plot to poison the sweets sold at Mr. Maynard's shop. Of the motive we will speak presently; but the evidence left little doubt of the fact. It was proved that between March and June she had obtained from a chemist at Brighton, on various pretences, and once under a false name, an amount of strychnine capable of poisoning some sixty or seventy people. Towards the end of May she asked a little boy in the street

to death, the defence of insanity having been raised in vain. For some time he had been morbidly excitable, had conceived irrational suspicions of his wife's fidelity, and had had delusions with respect to her conduct; he had been drinking hard, too, before the murder. Urgent representations were made to the Home Office, but Mr. Bruce declined to interfere, and he was hanged.

to go to Mr. Maynard's and buy her some chocolate creams. She opened the paper bag he brought her, said they were too large, and sent him back to exchange them for smaller ones. Accordingly, the larger sweets were replaced in the shop. It was alleged by the prosecution that the prisoner had contrived to substitute poisoned sweets for those the child brought her, and that these had caused the death of the little boy. In confirmation of this suspicion it appeared that she had frequently sent little boys on a similar errand; she had also more than once left parcels of these sweets in various shops, and several children who had eaten them suffered from symptoms more or less resembling those caused by strychnine. The counsel for the defence did not dispute that the prisoner had thus distributed chocolate creams to many children who became ill in consequence. All he could urge as to the defect in the circumstantial evidence was the difficulty of proving either that the prisoner had really substituted poisoned sweets for those the little boy brought her, or that, even if she did, it was from these sweets that the child Barker died. But, as Mr. Maynard gave a satisfactory account of the manufacture of his confectionery, and the prisoner was proved to have procured quantities of the very poison which was used, and to have distributed poisoned sweets, there was little room for entertaining any "reasonable doubt" of her guilt.

To complete the chain of presumptive evidence, it, however, remained to indicate the motive for this extraordinary course of systematic poisoning. The prisoner had no malice against any of the children to whom she gave these creams—least of all against the boy who was killed by them. She is convicted of murder, as Serjeant Parry well explained, on the same principle as a man who should deliberately fire a loaded pistol into a crowd and kill a person in it. Now, it was proved that she had taken singular pains, even before the death of the child, to fix upon Mr. Maynard the responsibility of selling noxious sweets. Last March she called on him and told him that some of his chocolate creams had made herself and one of her friends very unwell, and said they ought to be analysed. At the inquest she volunteered to give evidence, and deposed to having bought chocolate in the preceding September which had occasioned painful symptoms to herself and another lady; and after the inquest she addressed a series of anonymous letters to the father of the deceased child, inciting him to take proceedings against Mr. Maynard, and reiterating again and again that the seller of the chocolate was answerable. But what motive had she for thus attempting to throw blame on Mr. Maynard? The Judge said he wished this part of the case could have been kept out of Court; but it was commented on by counsel, and is, at all events, essential to a full understanding of the matter. She had formed the acquaintance of a medical man named Beard, and on her part, at all events, strong feelings of regard had been aroused. In September, 1870, she gave Mrs. Beard a chocolate cream, which occasioned sharp symptoms of illness; and she had been accused of deliberately intending to get Dr.

Beard's wife out of her way. Her mother stated that this accusation had greatly excited her; and it will now be observed that the whole history of the distribution of poisoned sweets is of a subsequent date to this occurrence. It appears, then, too probable that, in order to free herself from this accusation, and possibly in order to set herself right with Dr. Beard, she conceived the idea of convicting Mr. Maynard of selling poisoned confectionery. She contrived by skilful artifices to convey poisoned articles into his shop, and she scattered about the town bags containing noxious sweets which purported to come from him. She was greatly disappointed when the verdict of the Jury at the inquest failed to convict him of general carelessness, and she carried her plot still further, until it led to her being herself suspected.

After Serjeant Parry, who was counsel for the defence, had addressed the jury, the following evidence was given:—

Mrs. Ann Christiana Edmunds was called and examined by Mr. Poland.—She was at first greatly distressed. She said—The prisoner is my daughter, and her father, now dead, was an architect at Margate. The prisoner was born there in 1828. In 1843 my husband became insane, and was sent to a private lunatic asylum at Southall, where he was confined till August, 1844. He was very strange in his manner a long time before he was sent there. He raved about having millions of money, and attempted to knock down his medical man with a ruler. He had to be confined in a straight jacket before going to the asylum. He had two attendants before he was sent there. In August, 1844, he returned home from considerations of expense. He was better, and remained home until March, 1845, when he had to be sent to the Peckham Lunatic Asylum. He remained there until March, 1847, when he died in the asylum. For a considerable time before his death he was paralysed, though he could move. He was all drawn on one side. He was about 47 when he died. I had a son named Arthur Burns Edmunds. He was subject to epileptic fits from a child. In February, 1860, we could not manage him. He was very violent at times, and was at length taken to Earlswood Asylum, where he remained until 1866, and died there. I had a daughter, a sister of the prisoner. She is now dead. She suffered from hysteria, and attempted, when in a fit, to throw herself from a window. She was about 36 when she died. She was always excited, and suffered from hysteria. My father, Mr. Burns, was a Major in the Army. He died at the age of 43. He was paralysed before he died, and died in a fit. He had to be fastened in a chair, and was quite childish before he died. I had a brother who had a daughter. She suffered from weakness of intellect. She was quite imbecile. She lived with me three years. The prisoner, in 1853, suffered from an illness, and was sent to London. On her return she was paralysed on one side and in her feet. She could not walk. Mr. Prettyman, a surgeon, now dead, at-

tended her. Besides paralysis, she suffered from hysteria. She would come from her room at night into mine, and say she had had a fit of hysteria and could not breathe. She suffered from it for several years, and even now at times. As a child she walked in her sleep, and I was obliged to have a button on the outside of a door to prevent her walking out in that state. Recently, and for some time back—ever since she had known Dr. Beard—I have noticed a great change in her demeanour.

By Mr. Serjeant Ballantine—The surgeons who attended my husband are dead. He was the architect of Trinity Church, the Lighthouse, and many other public buildings at Margate. Dr. Humphrey attended the prisoner after she came home from Margate in August last. I believe she had been poisoned after eating some fruit. I begged her when she ate a piece of a peach to put it out, and to remember the poor little boy Barker. She said she thought she was poisoned. I did not suggest to any one at that time there was anything the matter with her mind. It was a delicate subject to speak of. In consequence of statements made by Dr. Beard, I demanded a retraction from him, and threatened to put the matter in the hands of a lawyer. She was greatly excited by those statements, and I could not restrain her. She said the Beards had never spoken to her since the matter of the chocolates. She went about the room quite mad. She behaved with kindness to people in the house. She was beloved by everybody.

By Mr. Serjeant Parry—She is now about 43 years of age, and I have always had a dread of her in relation to that time of life; she is so very like her father.

Dr. Steward, examined by Mr. Worsley, said he is a doctor of medicine at Southall, and has an establishment for insane persons there. He remembered receiving into it Mr. William Edmunds, about 1843, on the usual medical certificates that he was of unsound mind and a proper person to be confined. He was described in them as 42 years of age. The idea of having immense riches was stated in the certificates to be one of the evidences of his insanity. He was also described as being fond of good living, but did not drink hard. It was a case of acute mania, with all the customary characteristics. The profession believed insanity to be hereditary, and that was confirmed by witness's own experience.

By Mr. Serjeant Ballantine—Affection of the brain, with increased action of the blood throughout, was one of the incidents of his disease, producing congestion, and resulting in this case in apoplexy. There was general incoherence of speech and sleeplessness. He talked all manner of nonsense. Those were not exactly the symptoms of *delirium tremens*. The father did not suffer from that. It was one of the cases that witness thought reducible by medical treatment.

Dr. Henry Armstrong, proprietor of the Peckham Lunatic Asylum, produced the medical certificates relating to the case of William

Edmunds, who was described in March, 1845, as being of unsound mind and a proper person to be confined. He died in the asylum on the 15th of March, 1847. The death was certified to be due to general paralysis, extending over three years.

Dr. George W. Grabham, resident physician at the Earlswood Idiot Asylum, produced the certificates relating to the admission of Arthur Burns Edmunds, a brother of the prisoner, in February, 1860. He was described as an idiot or imbecile, and was admitted as a private patient. He remained in the asylum until he died, on the 11th of January, 1866. He was 24 years of age, and the cause of death was assigned to epilepsy of ten years' standing. A blow on the head when a boy was assigned as among the exciting causes in the certificates. Witness did not believe a blow on the head would have had such effects as in that patient's case.

The Rev. Thomas Henry Cole, chaplain of Lewes Gaol, said he was two years chaplain and secretary at St. Luke's Hospital. He remembered the prisoner being brought to the gaol on the 19th of August. There was a rule in the gaol that if he noticed any insanity in a prisoner he was to report it to the governor, surgeon, and visiting justices. She was under his observation until Christmas-day. He observed in her a peculiar formation and expression in the eyes, and a vacant look at times in her features. He had many conversations with her, and they were perfectly coherent. They struck him as extraordinary, considering the circumstances under which she was placed. He expected to find her in great excitement and dejection, and he found much calmness and exceeding levity. He spoke to her about the position in which she was, and she broke into an extraordinary laugh. He tried to fix her mind on its gravity, and she seemed to have no power to do so. She burst into tears, and from tears she would rapidly pass to laughter. That was frequently the case. From what he observed he believed she was of unsound mind.

Alice Over, the wife of George Over, residing at Brighton, said she had known the prisoner about six years. She lived two years with her mother in witness's house, and left more than two years ago. The prisoner's general demeanour was ladylike, quiet, and good in every way. From about a year ago she noticed she had not been so quiet, and latterly she felt she was going mad. That was about March or April last year, or a little earlier. She was very strange. Witness said to her she seemed unhappy, and she replied she felt uncomfortable, and sometimes as if she were going mad. Her eyes were large and rolled, and her appearance made witness uncomfortable. Witness had not seen that before until lately, when she saw her oftener than before. She called to see witness frequently.

George Over, the husband of the preceding witness, and an accountant and auctioneer at Brighton, gave corroborative evidence. He observed that about 12 months ago the prisoner was a little strange when she called at his house. Her eyes were very full, and there was

a wildness in her look. Her manner, too, was a little more excited than usual. He noticed that alteration in her manner up to the time he last saw her.

Dr. William Wood, physician to St. Luke's Hospital for about ten years, and for several years resident physician at Bethlehem Asylum, said he saw the prisoner in Newgate about a fortnight ago, in company with Dr. Lockhart Robertson, Dr. Maudsley, and Mr. Gibson, surgeon of the gaol. He was very much struck with her absolute indifference to her position, and he failed altogether to impress her with its seriousness. He believed her to be quite incapable of estimating it, and that her mind was so weak that she was really incapable of judging between right and wrong in the same sense that other people would. He saw her about an hour and a half. There was no doubt insanity was hereditary, and it was a very probable thing that the children of the insane would be predisposed to insane acts. That would be the more so when there had been insanity on both sides.

By Mr. Serjeant Ballantine—She knew the object of his visit, and might have known who and what he was. He told her that he and those with him had come to ascertain the state of her mind. She appeared to understand him. He conveyed the idea to her that it was with a view to the trial, and she seemed to understand that. He said, among other things, "Do you know the consequences of a conviction?" She said she would rather be convicted than brought in insane. He concluded from that she did not know the position she was in or the gravity of the charge. He referred to what was said to have passed between her and Dr. Beard. He asked whether she thought it wrong for a person to destroy the life of another because she believed that the husband of that person wished to get rid of her. After some hesitation, she said she thought it would be wrong, but she did not say it in such a manner as to lead him to believe she really thought so. He reminded her that sometimes innocent people were convicted.

While the witness was being examined, the prisoner rose from her seat in the dock suddenly, and, addressing the Court, said she remembered the questions. She was told she could not be heard, and she resumed her seat.

Witness, continuing, said he did not recollect her answer, but the manner of it impressed him that she did not think it a matter of any importance. He could only repeat the general result of the interview, there having been a running conversation among four of them.

By Mr. Serjeant Parry—He judged by her demeanour and appearance rather than by the answers she made. He still was under the impression that she was not in a state to judge of right or wrong as other persons were.

Dr. Charles Lockhart Robertson, examined by Mr. Poland, said he is a physician, and had paid special attention to insanity as a disease for many years. He had seen the prisoner early in October last, and

again in December, the last occasion being when she was in Newgate. That was to ascertain the state of her mind, and he had very great difficulty in coming to any conclusion. He regarded hers as a case on the border-land between crime and insanity. He thought her intellect quite clear and free from any delusion, but that her moral sense was deficient, as in the descendants of insane parents. That was about the view he took of her case. He failed to impress her with the gravity of her position. Coupled with the history of the case, he was led to regard her as morally insane.

By Mr. Serjeant Ballantine—He is one of the Visitors of the Court of Chancery in Lunacy. He meant a permanent and salaried Visitor. He had referred to a deficiency of moral sense. He also observed an absence of moral sense. He considered her moral sense was not further developed now than when he first saw her. He believed she had the intellectual knowledge that it was wrong to administer poison in order to kill a person.

Dr. Henry Maudsley said he had made the disease of insanity his especial study, and had written a work on the subject. He was present when Dr. Wood and Dr. Robertson examined the prisoner. He concurred generally in what Dr. Robertson had said, so far as he had understood it. He found an extreme deficiency of moral feeling as to the crime with which she was charged, and that she did not appear thoroughly to realize her position. As to her moral sense, he believed her mind to be impaired.

By Mr. Serjeant Ballantine—He meant by impaired moral sense a want of moral feeling as to events or acts regarding which a perfectly sane person might be expected to exhibit feeling. He should say everybody who committed crime exhibited some want of moral feeling. He had signed, with others, a certificate to the Home Secretary in the case of the Rev. Mr. Watson since the conviction, and he still adhered to the evidence he gave on that gentleman's trial.

That was the case for the defence.

Mr. Serjeant Parry, reviewing the evidence adduced on behalf of the prisoner, contended as a fact that she was a member of an insane family, and had very likely inherited the disease from her father, and also from her mother's father, who was imbecile and lunatic, dying at the early age of 45. He commented on that part of the mother's evidence in which she said she dreaded the arrival of the prisoner at a certain period of life, reminding witness so much as it did of the prisoner's father. These were facts extremely well worthy the consideration of the jury, and he argued that the acts of the prisoner appeared to have been motiveless. She could have had no motive for the commission of such a crime. He cited the case of Hatfield, who shot at George III., in 1800, under the delusion that he was the Saviour of the world, as one in point. He knew the crime he had committed was murder, and yet Serjeant Parry had never heard or read a syllable against the propriety of the verdict in that case that the prisoner was

insane. He dwelt on the evidence of Dr. Maudsley as to the hereditary effect of insanity in a family, and urged that the prisoner in this case must have suffered from the insanity in hers. There was never probably such a family history in reference to insanity, and he over and over again entreated the jury to bear it in mind. He dwelt on the important evidence of the Rev. Mr. Cole, the chaplain of Lewes Gaol, in support of the view he was urging. That gentleman evidently thought her insane, as did also Drs. Wood, Robertson, and Maudsley. He asked if this case was to be a contest between the law of the country and medical science. If the jury believed the prisoner to be of unsound mind, then she did not know the difference between right and wrong. Deprecating the unseemly contest between the law and medical science in this case, he took occasion to say the men who had made mental disease their peculiar study were benefactors of the human race, and were entitled to respect wherever they were. If, by the law of England, the prisoner, like any ordinary person, knew the difference between right and wrong and the quality of the act she committed, and, notwithstanding that, perpetrated the crime laid to her charge, be it so; but it was for the jury to decide, and, whatever their verdict, it would be received with the respect to which it was entitled.

Baron Martin, in summing up the case to the jury, said there were two questions for their consideration. The first was, whether they believed that on the occasion of the boy Adam May buying at the shop of Mr. Maynard a packet of chocolate creams, at the request of the prisoner, and on his taking them to her she contrived to substitute for them, or some of them, others containing poison, and asked him to take them to the shop of Mr. Maynard to be exchanged, with the intention, on her part, that they should be sold there; if they believed she gave the boy May poisoned sweetmeats, intending that he should take them to Maynard's shop, and that they should be sold there; and if they also believed that one of these poisoned sweets was sold to a relative of the deceased boy Barker, and administered to him, and that he died from its effects, the prisoner would be guilty of the murder of the child. The second point was, whether the prisoner was in such a state of mind as to be responsible for her actions. He reviewed the evidence as to the circumstances under which the chocolate creams were given to the deceased, and said he thought they might assume it to be an established fact that poison had been added to the creams he took. Assuming the child had been poisoned by strychnine, and that it was found in the creams, the question was whether the prisoner was the person who put it into them. He read the evidence bearing on that part of the case, and left it to the jury to say whether there could be any doubt that she had possessed herself of strychnine, and in considerable quantity. There was also the fact that she clearly knew that what she got at the shop of Mr. Garrett was poison. The learned Judge dwelt upon the manner in which she had given

sweets to children in the streets and left them at shops, and upon the illnesses, dangerous in some cases, resulting to those who had eaten them. He referred to her voluntary examination before the coroner, and said that after that she seemed to have gone about with creams and given them to other children. Addressing himself to the question of insanity, he said it was a difficult one. A poor person, he remarked, by the way, was seldom afflicted with insanity, and it was common to raise a defence of that kind when people of means were charged with the commission of crime. He had heard a doctor say that all mankind were mad more or less, but that had little to do with the case under consideration. The state of mind which excused crime was well fixed in our law. There were many diseases to which the mind was liable as well as the body. There was the idiot, who was born without any mind whatever. Again, there was the man who was raging mad, and if he had what was called a homicidal tendency he would have no more criminal responsibility than a tiger. But the most numerous cases of that kind were of persons said to be subject to delusions. They were persons who believed in a state of things which did not exist, and acted on that state of things. It might be that because the father of this unfortunate woman had been the inmate of a lunatic asylum her mind was not sound; but that was not in the least the question the jury had to try. The learned Judge read at length, as bearing upon this part of the case, the answers of the late Justice Maule, Lord Cranworth (then Baron Rolfe), and Baron Parke to the questions submitted by the House of Lords to the Judges in M'Naghten's case in relation to insanity; and he submitted that on their high authority every man must be responsible for his acts until it was shown to the contrary. If the jury in this case should think that the prisoner did not know right from wrong at the time she committed the crime with which she was charged, if she did commit it, they would acquit her; but, if they so found, they would accompany their verdict with an intimation that they did so on the ground of insanity.

The jury retired to consider their verdict at ten minutes to four o'clock, and returned into court exactly an hour afterwards with a verdict of *Guilty*.

The court was at that time densely crowded.

Being asked, after a pause, in the customary manner by Mr. Avory, the Clerk of Arraignment, if she had anything to say why the Court should not give her judgment to die, the prisoner replied that she wished she had been tried on the other charge which had been brought against her. As to the improper intimacy which she said existed between herself and Dr. Beard she had wished to be examined on that subject.

Baron Martin, who had by this time assumed the black cap, explained to her that it did not rest with him for her to be tried on that charge, but with the counsel for the prosecution.

The Prisoner—It is owing to my having been a patient of his, and the treatment I received in going to him, that I have been brought into this dreadful business. I wish the jury had known the intimacy, his affection for me, and the way I have been treated.

Baron Martin said he was not at all disinclined to believe her statement. He believed the unhappy circumstances in which she placed herself towards the end of 1870 probably led to the position which she was now in; but the truth of that only confirmed the propriety of the verdict. In order to have her case fairly tried he himself had wished to keep out the whole of that case, for it seemed to him, the more he thought of the matter, it was only calculated to make her position the worse. He was quite satisfied the unhappy circumstances under which she became acquainted with Dr. Beard and Mrs. Beard led to her poisoning fruit and a variety of other things. That he could well believe; but he had but one duty to perform. He concurred in the verdict of the jury. They had, he believed, arrived at a right conclusion. He believed that, having got into her mind the idea of poisoned sweets, she contrived to poison those she got the little boy Adam May to bring for her, and in that way, in the result, the little child Barker came to his death. That she had no desire to kill that particular child he could well believe; but she got into a morbid state of mind in consequence of her relations with Dr. and Mrs. Beard, and that had led to all that had occurred. That he believed to be the truth of the matter; but he wished to keep Dr. and Mrs. Beard entirely away with the view of giving her the fairest trial in the position in which she stood. He himself believed she was guilty, and that the verdict of the jury was correct in rejecting the defence of insanity. In truth, he believed there was no reliable evidence to go to the jury on that point, and that they felt it impossible to arrive at any other conclusion. The real question was, not whether she was a person of weak mind, but whether her mind was in a state to distinguish right from wrong. That, undoubtedly, was the form in which the law recognised the question. With such letters before them as she had written, it was impossible for the jury to have arrived at any other conclusion. If they could have found another verdict they would, as honest men, only have been too glad to do so. He did not wish to make any observations calculated to distress her. He only said he believed, in his judgment, the verdict was a right one, and right upon both points. The law imposed upon him the duty to pass upon her the sentence of death, which he proceeded to do in the prescribed form, directing at the same time that it be carried into effect in the county of Sussex, in which the crime was committed, and adding, with much fervency, might the Lord have mercy on her soul!

The prisoner had been removed from the dock while the jury were deliberating, and on their return she was brought in again. Of her own motion she walked to the front of the bar, her bearing at that supreme moment being singularly firm, and betrayed no visible emo-

tion. It was also respectful and becoming. She heard the verdict without any apparent distress. Her countenance was slightly flushed, and her eyes beamed with an unwonted expression. In the few words of complaint she addressed to the Judge she spoke with much modesty and propriety, and afterwards heard the sentence with fortitude. At its conclusion she was asked by the Clerk of Arraigns the customary question put to all women under sentence of death, as to whether she knew of any cause in her condition why execution should be stayed. The meaning of this was interpreted by a female warder, and she replied, through her, that she was pregnant. Thereupon, according to an ancient usage, which has long been rare, a jury of matrons, chosen from among ladies who happened to be in court at the time, was forthwith empanelled to try the issue which the prisoner by her answer had raised. In that they were assisted by Dr. Gibson, the prison surgeon, and by Dr. Beresford Ryley, of Woolwich, who chanced to be among the audience. The result was a verdict that the prisoner was not pregnant.

With that the trial ended, and the prisoner walked unaided from the bar. It is a noteworthy circumstance that there has been no occasion before for empanelling a jury of matrons at the Central Criminal Court for about 15 years.

That Christiana Edmunds was not insane in the legal sense of the word insanity, there could be no manner of doubt. That she knew perfectly well what she was doing in purchasing poison, and in disseminating it broadcast through the town by means of poisoned chocolate creams, and that she knew she was therein doing what was wrong, were equally beyond dispute. Her whole conduct before the crime, and her perfectly rational conversation in gaol, clearly proved that she could have taught a schoolroom of children the Ten Commandments, and could have explained to them clearly that it was a wicked act to break any one of them, and a most wicked act to break the Sixth Commandment. But no one could have talked with her in gaol without being convinced that in her own case she had no real feeling of the wicked nature of her acts, and that she would have poisoned a whole city full of people without hesitation, compunction, or remorse. Indeed, it may be doubted whether in her later experiments she was really so much influenced by the inadequate motive which no doubt instigated them at the beginning, as by a morbid pleasure in poisoning for its own sake, and in the sensation which her secret crimes excited. The terrible story of insanity in her family furnished the real explanation of her state of mind; she had the sad heritage of the insane temperament. She belonged, indeed,

to that group which, as we have said elsewhere,* “might be made of those persons of unsound mental temperament, who are born with an entire absence of the moral sense, destitute of the possibility even of moral feeling; they are as truly insensible to the moral relations of life, as deficient in this regard, as a person colour-blind is to certain colours, or as one who is without ear for music is to the finest harmonies of sound. Although there is usually conjoined with the absence of moral sensibility more or less weakness of mind, it does happen, in some instances, that there is a remarkably acute intellect of the cunning type.”

When all the unsoundness discoverable in a person accused of crime is so very like that moral insensibility which, in greater or less degree, marks the criminal nature, it is no wonder that the public get alarmed and the lawyers get angry. But medicine cannot forego its enquiries or falsify their results on that account; it is a fact of observation that the insane heritage does sometimes make a person very unlike other persons, and greatly diminish his moral sensibility; the evidence is irresistible, and “it is vain to shut our eyes against truth, whatever inconvenient results may follow from admitting it.” Dr. Robertson and Dr. Maudsley, who gave evidence in this case never thought that they could say that which would obtain her acquittal; had they been asked whether they could have signed a certificate of insanity in her case they would probably have replied that they could not; but they felt it just to the unhappy woman to put the facts before the Court, and to leave them to have, as they had, their influence in preventing the execution of the extreme sentence of the law. For, as our readers are aware, the Home Secretary appointed Sir William Gull and Dr. Orange to examine her after she had been convicted, and as they, after an examination of four hours, pronounced her insane, she was reprieved, and subsequently sent to Broadmoor. While we do not agree with the “Spectator,” which has been singularly violent in its strictures on the result in this case, that if Christiana Edmunds had been a servant she would undoubtedly have been hanged, we cannot help feeling a suspicion that if she had not been a woman she would have been hanged. The Alton murderer, who, meeting a little girl one fine afternoon as he was taking a walk, carried her into a hop-garden, there killed her and

* “Body and Mind: An enquiry into their connection and mutual influence.”
By Henry Maudsley, M.D.

cut her body in pieces, then walked home, washing his hands in the river on the way, and made an entry in his diary, "Killed a little girl; it was fine and hot," was certainly quite as insane as she was. Besides the evidence of insanity in his father and another near relative, it was proved in his case, by the testimony of independent witnesses, that he had been unlike other persons, that he had been prone to weep often without apparent cause, that he had exhibited strange caprices of conduct, and that it had been necessary to watch him from a fear that he might commit suicide. And yet he was hanged as a brutal criminal. So was the boy Burton, whom, as we think, the evidence proved to be more insane than either the Alton murderer or Christiana Edmunds. The time has surely come when some change should be made in the mode of taking evidence and deciding upon a prisoner's state of mind when insanity is pleaded, as well as in the legal criterion of responsibility.

In what direction the required change in the law should be made, we have already indicated; the best measures to be adopted must be left for consideration on another occasion. For the Crown to request certain medical experts to examine the prisoner, and for them to be called to give their evidence for the prosecution independently of one another, would not be satisfactory; that was done in Mr. Watson's case, with this result—that Dr. Begley, who has been more than thirty years at the Hanwell Asylum, and whose length of experience was therefore unequalled, came to the conclusion that Watson was of unsound mind, and that Dr. Sheppard, who has been several years at the Colney Hatch Asylum, and had therefore also had a large experience, thought him to be sane. Under such circumstances, it is a fair question whether the Crown ought to press for a conviction without making further enquiry. The French plan of appointing a commission of scientific experts to make a joint report, would certainly be preferable, although it does not fully meet all the difficulties that will arise in a doubtful case. The prisoner could not justly be debarred by the report of such a committee from calling his own witnesses, and might fairly claim his right to cross-examine those who had made the report. In such case, unless the cross-examination of the medical witnesses was done by competent medical men, instead of, as at present, by lawyers, who, being utterly ignorant of what they are talking about, often fail entirely to elicit an exact representation of the truth, and sometimes manage to make confusion worse con-

founded, we fear that the Court would not be helped out of its difficulties. Perhaps the best plan would be to allow each side to give its evidence, as at present, and to appoint a physician of high standing and special skill to sit with the judge as assessor, and to aid him with his opinion on the scientific testimony, the facts of the crime being left entirely to judge and jury. There is yet another course which might be advocated—namely, to summon a jury consisting of a sufficient number of competent medical men, in order to decide upon the evidence as to the prisoner's mental state. But the objection to this course is that as instruction in insanity does not form a necessary part of medical education, a great many medical men know little more of its real nature and its several varieties than does the general public.

We forbear to make any comments, as we had at one time thought to do, on Mr. Baron Martin's conduct at the trial. When a judge, in summing up, addresses himself to the evidence of insanity with the improper and unseemly remark, which is furthermore untrue, "that a poor person was seldom afflicted with insanity, and it was common to raise a defence of that kind when people of means were charged with the commission of a crime," it would seem unnecessary to make a pretence of weighing the evidence. The effect on the mind of the jury must of course be decisive, for the jury weighs not the merits of an individual judge, but reverently accepts his utterances as the wisdom of the Bench. Mr. Baron Martin went on to say that on one occasion he had heard a doctor say that all mankind were mad, and laughed at the joke, but as no one in Court joined in the merriment—not even the prisoner—he properly observed that "that had little to do with the case under consideration." The result of the case, however, proves that Mr. Baron Martin had better insight and kinder feeling than he allowed to appear in his rough behaviour at the trial, and that, having done his best, in vindication of the law, to secure a conviction, he did his best afterwards, in vindication of justice, to undo the mischief which had been done.