

return to the drastic policy of earlier days, when the suicide was buried at midnight in the king's highway with a stake through his body, and without the rites of Christian sepulture. But two deterrents might be tried. In the first place, instead of treating attempted *felo de se* as attempted murder, it might, in accordance with Sir James Stephen's suggestion, be regarded only as a secondary offence, punishable by secondary punishment. Again—and the prospect held out by the Death Certification Committee's report, of fresh legislation in our "crown's quest law," gives to this point an immediate interest—coroners' juries ought not to be permitted to return, nor should coroners be allowed to receive verdicts of "temporary insanity" in cases where not a vestige of evidence of mental disease in the legal sense of the term was adduced. The amiable humanity which inspires such verdicts is worthy of some respect, but its consequences are bad, and further manifestations of this weak disregard of duty ought to be prohibited by law. It may well enough be that the average *felo de se* is not able fully to appreciate either "The Suicide's Argument" or "Nature's Answer" to it, at the time when he lays violent hands on himself. But this is not what the law means, or ought to mean, by insanity; and we see no reason whatever why the mental state of suicides should not be determined by the criteria which govern the question of criminal responsibility in other cases. We deplore this weak sentimentality.

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*The Limehouse Murder Case.*

Mr. Asquith has done wisely in commuting the capital sentence passed on Lewis in this case to one of penal servitude. The circumstantial evidence against the prisoner was utterly inconclusive; and his confession of guilt—deliberate and complete as in point of form it undoubtedly was—had a *souçon* of insanity about it of which the mind has some difficulty in getting rid. The jealousy with which the criminal law regards naked confessions of guilt is justified by experience. There can be no doubt that it was mental disease which prompted the witches of old to make their false revelations as to the hideous mysteries of the *sabbat*. And other cases are recorded in which sometimes from insane delusion, sometimes from insanity without delusion, sometimes from sheer *tædium vitæ*, and at other times from an infamous desire for notoriety, or a laudable

impulse to shield the guilty, men have confessed, with the utmost circumstantiality, crimes which it was subsequently demonstrated that they had never committed. The case of Hubert, who falsely confessed that he had set fire to London in 1666, and paid for his falsehood with his life, is an instance in point. A still more remarkable case is that of the two Boorns, convicted in the Supreme Court of Vermont, September, 1819, of the alleged murder of Russell Colvin seven years before (*Cf. Taylor, "Evid.," Vol. i., p. 240, n. 2*). It appeared that Colvin, who was the brother-in-law of the prisoners, was a person of weak mind, that he was considered burdensome to the family of the prisoners, who were obliged to support him; that on the day of his disappearance, being in a distant field, where the prisoners were at work, a violent quarrel broke out between them, and that one of them struck him a violent blow on the back of the head with a club and felled him to the ground. Some suspicion arose at that time that he had been murdered, and these were increased a few months afterwards by the finding of his hat in the same field. These suspicions in process of time subsided; but in 1819 one of the neighbours having repeatedly dreamed of the murder with great minuteness of circumstance, both in regard to his death and the concealment of his remains, the prisoners were vehemently accused, and generally believed guilty of the murder. Upon a strict search, the pocket-knife of Colvin and a button of his clothes were found in an old open cellar in the same field, and in a hollow stump, not many yards from it, were discovered two nails and a number of bones, believed to be those of a man. Upon this evidence, together with their deliberate confession of the fact of the murder and the concealment of the body in these places, the prisoners were convicted and sentenced to death. Fortunately they were not executed, as their supposed victim turned out to be in New Jersey, and came home in time to prevent their execution. He had fled for fear they would kill him. The bones were those of some animal, and the prisoners had confessed on the advice of some foolish friends, who told them it was their only chance of saving their lives in view of the strong popular prejudice and the circumstances proved against them. A similar case in Virginia recently came under our own observation. In the light of such miscarriages of justice, it is impossible not to feel a sense of relief that the convict in the Limehouse murder case was not permitted to go to the gallows.