

tremens is, on the whole, unfavorable to it. I do not think there is any danger attending its use, and some of the cases were unquestionably benefited by it; but, like many other new remedies, it has been over-estimated."

"In the treatment of *mania* by half-ounce doses of tincture of digitalis, the result was much more satisfactory. Of 20 cases treated in this way, 13, or 65 per cent., showed decided benefit. In one of these cases as many as twelve doses in fifteen days, were given; the medicine, in almost every dose, controlling the mania. In one case some benefit was derived, but not so decided in character. In 3 cases, or 15 per cent., the effect of the medicine was doubtful; in one of these two doses were given, and in two others, six doses each. In 3 cases it was administered in four, six and seven doses respectively, without any benefit whatever; one of these was cured afterwards by cold affusion to the head, and two others were sent to the asylum."

"The result of all these cases of mania convinces me that digitalis, in half-ounce doses, is a valuable remedy in controlling maniacal violence and procuring sleep."

## II. *English Psychological Literature.*

*We are again reluctantly compelled, by the pressure on our limited space, to defer till our next publication the Report on "English Psychological Literature," which is prepared, and which is several times referred to in our present notice of publications received. The number of interesting original contributions which it is our good fortune to publish in this number, lessen the space at our disposal for the Quarterly Report on the progress of Psychological Medicine, and have compelled alike the omission of half a sheet of Dr. Arlidge's Report on Foreign Psychological Literature, as also of the Report on English Psychology and of the Excerpta from Asylum Reports for 1864.*

## III.—*Medico-Legal Cases.*

### 1.—*The Sequel of the Townley Case.*

(See 'Journal of Mental Science,' January, 1864. 'Quarterly Report on the Progress of Psychological Medicine.' III. 'Medico-Legal Cases.')

In the last number of the 'Journal of Mental Science' (January 1st, 1864), we related the history of this murder, and gave in full the medical evidence submitted at the trial, together with the very able

summing up of the judge, Mr. Baron Martin. We quoted also an article by a writer in the 'Saturday Review,' in illustration of our sense of the disparaging influence on medical science of the position of counsel for the defence so often of late assumed by our so-called experts in lunacy, and by none more flagrantly than by Dr. Forbes Winslow on Townley's trial. Having learnt from a private source that the case, as it related to the prisoner's mental state, had been referred by the Home Office to the Commissioners in Lunacy, and was then (December 23rd) under consideration, we reserved any expression of our opinion on the sanity of the prisoner, being unwilling to volunteer statements and opinions which might possibly have lessened his chance of escape from the ignominious death then impending over him. The decision on this point we felt to be the duty solely of the Home Secretary, and of such advisers as he might be pleased to call to his aid, and we did not, therefore, then express our definite opinion of Townley's sanity.

The subsequent history from December 25th to January 30th is related in a pamphlet,\* which on that day we published; and a copy of which was sent by book-post to each member of this association, for the purpose of binding with this Journal. We there made some observations, which it is unnecessary here to repeat, on the report of the Commissioners in Lunacy to Sir George Grey, and on the subsequent successful efforts of Townley's solicitor to evade the law. At that date (January 30th) Townley was in Bethlehem Hospital; there was great public dissatisfaction at the way in which a criminal had been withdrawn from legal punishment; an earnest desire was expressed on many sides, that some definite conclusion as to what insanity shall mean may be come to; and all were agreed upon the necessity of abolishing a law, by which the power of reprieving any criminal was placed in the hands of two justices of the peace and two medical men, who might be moved by interest or inspired by a crotchet.

The case being thus apparently settled, and Townley finally consigned to Bethlehem as a criminal lunatic, by an order issued two days after the date of the Commissioners' Report (December 30th), we felt ourselves free to discuss the question of his presumed insanity, which we did at some length in the third section of the pamphlet referred to, and we showed, by an analysis of the different forms of partial insanity, how impossible it was with a just appreciation of scientific knowledge, to refer Townley's case to any one of them.

Dr. Hitchman's *Interviews with Townley*, which we publish in this number (Part I, original articles), confirm in detail the opinions

\* 'Insanity and Crime: a Medico-Legal Commentary on the Case of George Victor Townley,' by the Editors of the 'Journal of Mental Science.' London, John Churchill and Sons, 1864.

we expressed as to Townley's sanity, and as to the value to be set on Dr. Forbes Winslow's scientific evidence.

On the 1st of February Sir George Grey, who in the interval had been engaged in a desultory correspondence\* with the chairman of the Derby Quarter Sessions (Mr. Evans), and the chairman of the visiting justices of the gaol (Mr. Mundy)—each step in which involved the whole matter in more hopeless confusion—wrote to these gentlemen, informing them that, with the concurrence of the Lord Chancellor, he had requested Drs. Hood, Bucknill, Meyer, and Helps to examine into Townley's state of mind, and to report to him their opinion thereon, and he transmitted a copy of that report,† adding that it appeared to him “to be conclusive as to Townley's being of sound mind.” He concluded by informing

\* These letters are printed in the Parliamentary paper, No. 37, “copy of correspondence with the Secretary of State for the Home Department, and of orders or warrants issued by him relating to the case of George Victor Townley.”

†

“BETHLEHEM HOSPITAL; *January 28th.*”

“We, the undersigned, having been requested by Secretary Sir George Grey to examine into the state of mind of George Victor Townley, a prisoner under sentence of death in Bethlehem Hospital, and to report our opinion as to whether he is of unsound mind, report as follows:—

“We have carefully considered the copies of papers supplied to us, and on the 26th and 27th days of this month we have had two lengthened interviews with the prisoner, and the conclusion at which we have unanimously arrived is that George Victor Townley is of sound mind.

“The demeanour of the prisoner during each interview was calm and self-possessed, with the exception that at the commencement of the second interview he displayed and expressed annoyance at the repeated examinations to which he was being subjected. Neither in mode of speech nor in look and conduct was there any sign of insanity observable in him.

“His prompt apprehension of the purport of our questions, and the manner in which he replied to them, indicated the possession of good intellectual capacity.

“The opinions which he avows that men, as the creatures of circumstance, are not justly responsible for their actions, are opinions at which he appears to have arrived by ordinary processes of reasoning.

“That he knows that he is responsible for the commission of crime is made clear by his own words used to us,—‘I expected to be hanged because I killed her, and am not such a fool as not to know that the law hangs for murder. I did not think of it at the time, or I should not have done it.’

“We think that his statement that he killed Miss Goodwin to repossess himself of her as his property was an afterthought, adopted to justify his crime. He acknowledged to us that he had come to this opinion after the deed was done.

“The supposition that he killed Miss Goodwin under the influence of the opinion that in so doing he was repossessing himself of her as his property is inconsistent with his own repeated statement to us that, without forethought of any kind, he killed her under the influence of sudden impulse.

“He explained to us that by killing Miss Goodwin to repossess himself of her as his property, he simply meant that he took her out of the hands of his enemies, and placed her in a position where she would wait, and where he would rejoin her when he died.

“The prisoner endeavoured to represent the catastrophe to us as due to the influence of sudden impulse, but the details which we elicited from him show that

them that, "taking all the circumstances of the case into consideration, her Majesty's Government are of opinion, that it would not be right that the capital sentence should now be carried into effect, but that it ought to be commuted to penal servitude for life. This course has therefore been taken." No one we think can question either the wisdom or humanity of this, Sir George Grey's final determination. Mr. Evans, in acknowledging the communication, added the expression of his great satisfaction with its contents. Townley was on the 2nd of February removed to Pentonville Prison, and Sir George Grey subsequently assured the House of Commons that he really would be kept in penal servitude for life, all tickets of leave to the contrary.

The report which thus justly consigned the murderer to life-long penal servitude, was drawn up by the late Editor of this Journal (Dr. Bucknill), at the request of the three physicians associated with him in the inquiry, after they had together on the 26th and 27th of January examined Townley at Bethlehem, and arrived unanimously at one opinion as to his state of mind.

This report gave the most general satisfaction to the public. The perusal of the document shows how skilfully every element in the case was sifted and analysed, and how the medical diagnosis was synthetically constructed thereon. It will remain a standard and guide for future medical reports in cases of alleged criminal lunacy.

The perplexing difficulties in every stage of the inquiry which yielded only when a commission of physicians skilled in the theory

he used threats of murder for some time before he struck the first blow. We think that his clear memory of the events attending the crime, and also the attempts which he has made to misrepresent the state of his mind and memory at the time of these events, are evidence of his sanity.

"We are of opinion that he does not entertain any delusion on the subject of a conspiracy against him, but that he uses the term conspiracy to express the real opposition which he has met with from the members of Miss Goodwin's family to his engagement with her, and also to express the feeling that they are hostile to him.

"We have considered the evidence of hereditary predisposition to insanity given in the papers supplied to us, and our opinion of the prisoner's state of mind has not been altered thereby.

"We examined the apothecary and also the chief attendant of Bethlehem as to the conduct of Townley since he has been in detention at the hospital—both of them have had him under daily and special observation—and they assure us that neither in conduct, manner, or conversation had they been able to observe in him any of the peculiarities which they are in the habit of remarking among the insane.

"W. CHARLES HOOD, M.D., Visitor of Chancery Lunatics.

"JOHN CHARLES BUCKNILL, M.D., Visitor of Chancery Lunatics.

"JOHN MEYER, M.D., Medical Superintendent of the Criminal Lunatic Asylum.

"W. HELPS, M.D., Medical Superintendent of the Royal Bethlehem Hospital."

and treatment of insanity were called to replace *ex parte* witnesses, and the statements of others interested in frustrating the ends of justice, may perhaps even convince the Lord Chancellor of the superior value of the conclusions of men who have studied the subject of insanity to the "moral conclusions" of judges and juries, and at any rate will establish a precedent which we hope will be followed for the future. Moreover the success of this medical commission practically confirms the suggestion which we made in our commentary on the Townley case for the amendment of the practice of the law courts in cases of criminal lunacy.

"A change (it is there said), in the existing method of obtaining scientific evidence is plainly most necessary; nothing can exceed the awkwardness and uncertainty of the present plan of proceeding in England. 'An array of medical men,' as Dr. Bucknill observes, 'are marshalled by the attorneys on each side according to their preconceived opinions of the case. These medical witnesses may usually be divided into two classes—those who know something of the prisoner and nothing of insanity, and those who know something about insanity and nothing of the prisoner. They generally succeed in neutralizing each other's evidence, and in bringing the medical profession into contempt, at least among lawyers.' Only by abolishing a system which puts a premium on unscrupulous advocacy—for it invites those who are more eager for notoriety than careful for truth—which practically excludes the tender conscience from giving scientific testimony in many cases, and which subjects medical science to extreme degradation, can the benefit of any change in the present law be reaped. *Scandals must occur as heretofore, if no steps are taken to secure impartial scientific evidence.* The remedy is an obvious one; it is to make the medical witnesses in matters of science, witnesses not for the prosecution or the defence, but witnesses called by the Court itself. Then would their evidence be freed from all suspicion of advocacy, and gain the authority in which it is now wanting. In France, when a criminal is suspected to be insane, the Court appoints a commission of medical men, or selects one man experienced in mental diseases to examine into the case, and to report upon it; the whole life of the prisoner and the present symptoms are investigated, and the questions put and the answers to them are recorded for the information of the Court. 'The French system, which places the scientific *expert* before the Court in an independent and impartial position, and affords him an ample opportunity to form a decided and trustworthy opinion, appears to be in every way worthy of imitation.'\* Such an alteration would not be any novelty in England; for in difficult questions of collisions on the sea and of salvage, where special knowledge is required, the Masters of the Trinity Company are called in to assist the Admiralty Court. And surely a shipwreck or a collision at sea is a fact much more within the knowledge of ordinary men than the diagnosis of cerebral disease where lunacy exists. By the adoption of some such plan, the Court would secure impartial and trustworthy evidence, on which it could act as might seem to it good, and the poor man would obtain that equality with the rich before the law which it is the boast of England to give him, but which he practically has not at present when insanity is pleaded.<sup>B</sup>

In comparing Dr. Bucknill's report (January 28) with the report made by three of the Commissioners in Lunacy (Mr. Campbell, Mr. Wilkes,

\* "Unsoundness of Mind in Relation to Criminal Acts." An Essay by J. C. Bucknill, M.D. Second Edition. Longmans.

and Mr. Forster), on the 28th of December it appears that these authorities concur in stating that Dr. Winslow's evidence of the existence of a delusion (the famous conspiracy of six with the chief conspirator at the head), and which so influenced Mr. Baron Martin's steps subsequent to the trial, was founded on error and faulty diagnosis, and that no trace of delusion existed at all. They are further agreed that, applying the law as laid down by Mr. Baron Martin to this case, Townley was justly convicted. They differ, however, as to the extent of his sanity. Dr. Bucknill and his colleagues unanimously pronounce him of sound mind; the Commissioners are disposed to consider him as morally insane "in view (as they report) of the extravagant opinions deliberately professed by him, of his extraordinarily perverted moral sense, and of the hereditary taint alleged and apparently proved to have existed." In our commentary on Townley's case—printed before the publication of Dr. Bucknill's report—we took the view he does of Townley's sanity, and rejected the theory of his moral insanity, saying:—

"We must allow that the theory of moral insanity cannot be applied to excuse Townley's crime; it will not only not explain every circumstance in the case, but it is positively incompatible with certain circumstances. Will not, however, the theory of moral depravity suffice to explain his crime, his perverse utterances and ridiculous philosophy? Is it not possible that a vain, self-indulgent, and ill-regulated mind might, by a course of French novels and gratified passions, be brought to such a pitiable condition as he exhibited? Selfish enough to commit such a crime, such a mind would surely be insensible to remorse, for the only regret which it could feel would be from a disappointment of self. Self-centred in all his feelings and thoughts, his love for another is a pure self-gratification; and if the being whom he has, as it were, thus appropriated to himself in his selfish passion, rejects him for another, it is an unpardonable injury to his personality—it is to rob him of his most dear possession, and if he cannot have that he will have revenge. Self-sufficient in the excess of his vanity, he recognises the right of no one to sit in judgment upon him; he is a free agent, and if he does not find it agreeable to conform to the world, the world must conform to him. But the world is stronger than he is, and being placed by the indulgence of his passions in a position of exceeding humiliation, his self-feeling finds gratification in the defiant expression of a childish and perverse obstinacy. Such exhibition is a last solace to his vanity, as his philosophy exhibits the vanity of his intellect. No doubt there is moral perversion in such a pitiable display, as there is moral weakness in such a character; but the moral perversion is that of the naughty child which the birch-rod marvellously improves. While there are all the positive signs of moral depravity, the evidence of moral insanity is singularly deficient; and it is impossible to refer such a case to insanity if any distinction between disease and vice is to be maintained. There is wanting all proof of disease rendering the individual unaccountable; and if the doctrine of moral insanity is to gain acceptance, disease must always be proved, not by making assumption support assumption, but by logical appreciation of symptoms."

Yet in the existence of the hereditary taint we recognised (as did the Commissioners) the means of retreat for Dr. Winslow, in



his utter discomfiture on the delusion theory, had he known how to avail himself of it. "It is a pity for the sake of his science that this psychologist had not, instead of rejecting the moral perversion, and appealing to intellectual disorder,\* rejected the intellectual delusions, and rested the plea of madness on moral deficiency. Then, though the plea might, and no doubt would have been without avail in the court where Townley was tried, it would, perhaps, have rested on a substratum of truth, such as the legal tribunals of the world cannot take notice of: for who shall affirm that Townley's character did not feel in some measure the effect of the hereditary taint?—who can apportion the amount of his responsibility?† But this principle must ever prevail in science and in law, that, when moral insanity is suspected and pleaded, there cannot rightly be any ground for acquittal on that plea, if the criminal act, as a symptom, cannot be logically connected by a train of other symptoms—such as change of habits, feelings, and character—with disease as its cause."

2. *Remarks on the case M'Intosh v. Smith and Lowe*: by JOHN B. TUKE, M.D., Edin., Assistant Physician to the Royal Edinburgh Asylum, Morningside.

[We are compelled, by want of space, to omit the history as drawn up by Dr. Tuke of this groundless action for false imprisonment, raised by Mr. M'Intosh against our associates Drs. Smith and Lowe, the proprietors of Saughton Hall Asylum, near Edinburgh,

\* *Dr. Winslow's Theory of Townley's Insanity*.—"Having brought forward the different forms of partial insanity, and shown how impossible it is, with a just appreciation of scientific knowledge, to refer Townley's case to any one of them, the question naturally arises, What form of insanity, then, did Dr. Winslow attribute it to? That is just the question which it is impossible to answer. Townley's insanity, as described by that psychologist, was a medley, a scientific patchwork, ingeniously constructed, boldly devised, striking in appearance, but really a scientific incoherency—a mixture of incompatibles. 'General derangement and diseased intellect,' with the ability to pass off a true belief as a delusion, 'not a sane opinion on a moral point,' 'vitiation of moral sense,' 'inability to appreciate the absurdity of the idea' that by killing Miss Goodwin he would regain possession of her, and the coherent reasoning of a necessarian—these together constitute an extreme form of insanity of some kind, perhaps a new and at present obscure form of disease, which future ages will describe as 'intelligent imbecility.' How it was that Dr. Hitchman and the governor of the gaol could doubt the existence of insanity in one so very mad passes understanding. One does not know whether to wonder more at the obtuseness of these gentlemen, who could not detect madness where Dr. Winslow discovered it in such extreme degree, or at the marvellous perception of Dr. Winslow, who could discover such extremity of insanity where these gentlemen could detect none."—*Insanity and Crime: a Medico-legal Commentary, &c., &c.*

† "We would not overlook the fact that, in the future, insanity may possibly be developed in this man of low moral powers and alleged hereditary taint now subjected to all the horrors of remorse in the solitariness of penal servitude."