called forth under corresponding conditions—when these conditions arise, the predetermined result follows.

It seems evident from these, and similar considerations, that what was termed above physiological psychology bears most on a practical psychology. It will be seen, from the general tenor of the observations which I have offered in this paper, that I regard a practical psychology as essentially the psychology of individual minds. It is a subject confessedly still in its infancy. It has not been possible, for that reason, to treat of it in a very connected or systematic form; but unless, I deceive myself, I have been able to point out some of its distinctive features, and to indicate to the medical observer some of the sources whence he may draw improvement in a department of knowledge so essential to the proper treatment of all those diseases in which an estrangement of the mental faculties is concerned.

The New Lunacy Bill.

The introduction of this important measure so soon after the interminable and wearisome Windham case, has led to the too hasty supposition that the Lord Chancellor has been induced to prepare his Bill mainly in consequence of what occurred in that case, which was indeed a fine exemplar of the evils of the system which are sought to be remedied.

But in truth these evils had long been well recognised, and although Lord St. Leonards' Act of 1853, is admitted on all hands to have been a most wise and skilful measure when it was enacted, it is now scarcely disputed that the time is over-ripe for new ameliorations of the law. That this is so will scarcely be denied by any one who has taken the trouble to read and consider the evidence given before the Commons' "Select Committee on Lunatics;" and the same fact is indicated by the two Lunacy Bills introduced by Sir Hugh Cairns, and by the late Lord Campbell. The readers of these pages will perhaps also remember a letter on this subject of Chancery lunatics, addressed by the editor to the chairman of the Select Committee, in which letter the great evil of the needless cost of lunacy inquisitions was dwelt upon, and such remedies were recommended to be applied as had suggested themselves to the writer in his limited knowledge of the subject.

We take some credit for having suggested in this letter one of the most important improvements in the manner of conducting lunacy trials, on which the Lord Chancellor has now placed the authoritative stamp of his opinion, namely the proposal that the alleged lunatic

shall be examined by the Court before any evidence is taken. 'Journal of Mental Science,' No. 35, p. 133.

The beneficial import of this change in the law, if indeed it is a change in the law, and not merely a legislative order to change a bad custom, cannot be over-estimated. The present rule to examine the alleged lunatic at the end of the proceedings, reminds one of nothing so much as of that celebrated discussion which took place in a learned society, on the question propounded,—why a fish, placed in a vessel full to the brim, did not make the water overflow, and did not add to the weight? and which, after learned reasons had been exhausted in explanation, a man of vulgarly common sense proposed to test by observation.

If in lunacy trials it is made compulsory on the Court to examine the alleged lunatic at the commencement of the proceedings, it will, we think, be found that this simple change will exclude much of that pseudo-scientific evidence to which the Lord Chancellor takes such reasonable objection. It is not in the nature of things that a judge and jury will be able to examine for themselves into the state of mind of an alleged lunatic, without forming a very strong opinion upon the subject; and this would especially be the case when that opinion formed was positive, namely, when the existence of the lunacy was obvious. In the case of Mrs. Cumming, for instance, "whose lunacy was obvious the moment she appeared before the jury," if this examination had taken place at the commencement of the proceedings, what psychological ingenuity could have explained away the existence of the delusions which she had avowed? In such cases, after the existence of mental unsoundness had manifested itself to the observation of the jury, not only medical but general evidence would become superfluous, and the subsequent proceedings would resolve themselves into mere matters of form, and be abbreviated to such dimensions as the presiding judge might deem right.

When on the other hand, in this examination the judge and jury were not able to observe the signs of unsound mind, they would scarcely venture to form a decided opinion that such unsoundness did not exist until they had heard the evidence tendered by the petitioners. But if this evidence was not sufficient to show the existence of that insanity which the Court had been unable to observe for itself, even then the trial would be cut short in the midst, a verdict negativing the insanity would be returned, and all the time and cost of the defence would be spared.

The rule that the alleged lunatic shall be examined by the judge and jury before the commencement of the proceedings, would probably carry with it another result of great importance, namely, that of altogether preventing the fact of insanity being sent to be tried by a jury in some instances where a lunatic is a mere puppet in the hands

of attorneys or of others who influence him to oppose a petition and to demand a jury trial for their own selfish purposes. When a person who is unquestionably a lunatic has unfortunately come under the control of some unprincipled attorney, or of some other person deriving improper interest from the management of the lunatic's affairs, although the lunatic may be a mere puppet, he is liable under the present system to be induced to resist to the utmost, and at all cost, the most well-intentioned measures for placing him under the guardianship of the Court of Chancery. But if such persons, having the control of a lunatic, knew that the first step taken in a jury trial into the state of mind, would be a personal examination made by the Court, it does seem reasonable to expect that they would avoid the censure which would attach to them for conduct so obviously injurious to the lunatic, and to which they would, at all events, lose the inducement offered by prospective bills of costs.

Another provision in the Lord Chancellor's Bill, directed to lessen the time and cost of lunacy trials, is that by which he limits the evidence tendered in proof of the lunacy to a period of two years. We entirely concur in the wisdom of this measure. This limitation, indeed, is to be at the discretion of the judge, and the noble Chairman of the Board of Lunacy mentioned in the debate the instance of a particular form of lunacy, namely, that of latent suicidal or homicidal mania, in which, no doubt, this discretionary power would be used. It has occurred to us that there are two other circumstances under which this discretion placed in the hands of the judge may be usefully exercised. The first of these is, where it is claimed to tender evidence, not of the existence of insanity two years before the date of the inquisition, but of the cause of the insanity stated to exist at the time of the inquisition. To give an example, if a man has had a *coup de soleil*, from the effect of which he is afflicted with that dangerous form of insanity often resulting from this cause, in which the passions are more disturbed than the intellect—in such a case it might be very desirable to allow evidence to be given of the exciting cause of the lunacy, although it occurred at a period antecedent to the limit of two years. The other circumstance would be where the alleged lunatic has been for a long time kept away from observation, either by his own act or by that of interested persons.

Instances of this kind are not uncommon. We have had recent occasion to give evidence respecting the insanity of a man, whose friends were kept for years away from him by the woman with whom he lived. Suspicions existed that he was insane, but there was no proof. One day, however, he escaped, and was brought to us by the police in an advanced state of general paralysis.

In Sharp *v.* Macaulay, the lunatic had shut himself up for thirty years. (See this Journal, No. 19.) We think, however, that in

cases of this kind, it is better to provide legal facilities for giving persons named by the Court of Chancery due access to an alleged lunatic, who is under seclusion or control, rather than to extend the limits of time for evidence. And this, indeed, is done by the eighteenth clause, which empowers the Lord Chancellor to send the visitors to visit persons alleged to be insane, and to make inquiries and reports in reference to them. But is this clause sufficiently imperative on the persons to be visited? If so, this will be a very important and useful addition to the power of the Court, which can only now act by consent. The question, after all, is strictly that of the mental condition of the person at the time of the inquisition; and if he is proved to be of sound mind at that time, all the evidence in the world that he was of unsound mind even the week before cannot be worth a nutshell. Evidence going back from the date of the inquisition can only be of value either in so far as it describes a confirmed state of mind, which may fairly be presumed to continue up to the time of the trial, or else as it gives account of antecedent states of mind and body, which may be viewed as causes of the existing state.

And now we must come to that provision in the Lord Chancellor's Bill by which he limits medical evidence. At the first blush of this, we were inclined to feel professional vanity not a little wounded; but we are bound to ask, not whether the provision is flattering, but whether it is calculated to promote the public interests, by rendering judicial proceedings more certain and simple. The broad position taken by the Lord Chancellor is, that in inquisitions of lunacy the question mooted is the existence or non-existence of certain states of mind, as a matter of common observation; it is not whether these states are or are not conditions of disease, but whether it is a fact that they exist; and he maintains that the proof of this fact must depend on that kind of evidence which appeals to the understanding, and which gains the belief of common men, unlearned in the subtleties of physiology or metaphysics. In order successfully to controvert this view of the question, the least that it would be needful to prove is, 1st, that states of idiocy, lunacy, and unsoundness of mind, are always states of physical disease; and 2nd, that medical men are always able to recognize them as such in consequence of their professional knowledge and skill.

Now, we, in common with the great majority of medical men, do, upon grounds satisfactory to ourselves, verily believe that all these states of mind are owing to conditions of physical disease. But even here, in this very first step of the argument, we feel conscious of stretching the meaning of the word disease in order to include many cases of congenital and hereditary insanity; so that it would be more exact to say that we recognize these states of the mind to

be due to abnormal conditions of the physical organism, rather than to conditions of disease. Moreover, and this is fatal to our argument, many eminent men among us do not believe that insanity is invariably caused by any physical condition whatever. The somatic theory of insanity, even in this country, is not yet undisputed master of the field. There are eminent physicians who teach that insanity is a disease of the soul, as there are others, who hold the extreme opposite view, that crime is always owing to disease of the body; and there is at least one distinguished person who incoherently maintains both opinions to be true. We must, therefore, confess that we are scarcely in a position to expect the world to receive as established on undeniable proof this very first platform of our position. We are winning ground, it is true, year by year, but it is but a short day, in the history even of our own country since the diseases of the mind were by no means recognised as the peculiar province of the medical man; since such asylums as did exist were the worst of goals, and those who ruled over them were the commonest of gaolers. It is only within this very year that the laws promulgated by Government for the lunatic asylums in Ireland have been made to recognise the principal officers as medical men. This also is a very remarkable fact in regard to the pretensions of medical men to exclusive knowledge of diseases of the mind, that, with the exception of the University of Edinburgh, there is not one medical school in the three kingdoms which provides any teaching of, and without exception, not one which requires any study of, mental disease. If the belief is so widely accepted that insanity is always a physical disease, and that all laws affecting the insane ought to recognise the exclusive knowledge of medical men, is not this neglect of insanity by the medical schools utterly inexplicable?

The fact is, that the knowledge of insanity as a disease is yet in its infancy, and successive generations will have to devote themselves to the investigation of its phenomena, before it can be expected to grow into the strength of maturity. In the mean while, physicians have one or two truths to accept—the first of which is, that while their theories of the nature of insanity are most useful as instruments in scientific pursuits, they are of no value in judicial investigations; and the second is, that the empirical knowledge which many medical men have acquired by devoting themselves to the daily observation of the characteristics of insanity, and which is of unquestionable value in judicial investigations, cannot be said to be exclusively their own. Intelligent but utterly unlearned head-attendants, by living among the insane, become conversant with their moral and intellectual peculiarities, so that they would be able to tell a judge and jury whether these peculiarities did or did not exist in a particular case, not so well certainly as a physician with the same amount of em-

pirical knowledge, yet so as to express facts in a manner which can be understood by common men. A foremast-man may speak of common facts occurring at sea as accurately as a captain.

To be understood by common men—this, happily for Englishmen, is an essential requisite of all evidence in our courts of law, and it is one which medical witnesses must fully accept. Although they have surrounded their studies with technical words and speculative theories, until their use becomes a mental habit—in courts of law, unless they strip their opinions to the nakedness of common sense, and of the plainest language, they will fail to express the truth which they have to tell in a manner worthy of themselves and of the acceptance of their fellow-men. Now, the plain expression of an empirical knowledge of observed facts relating to the state of mind of an alleged lunatic is the very thing which the provision contained in the Lord Chancellor's Bill aims to substitute for those speculative views and theoretical opinions which have, in lunacy trials, been the cause of so much waste of public time and patience, and of so much discredit to our profession. The following is the intention of the Lord Chancellor, expressed in his own words:—"He had been told that his clause excluded medical testimony in these inquiries, but it did no such thing. He did not exclude the evidence of what a witness might have himself seen, heard, and observed. What he wished to exclude was, the evidence of speculation, fancy, and idle theory, not warranted by any inductive reasoning founded on facts." If the clause does succeed in fulfilling this intention, medical men who devote themselves to the study of insanity, and who honestly wish to express what they know on the subject and no more, will have good cause to thank the Lord Chancellor for removing them from a false position, and placing them in the one they ought to occupy as witnesses in lunacy trials.

The words of the clause by which this exclusion of speculation and idle theory is to be effected are—"Nor shall the opinion of any medical practitioner be admissible as evidence of the insanity of such person." Would not the sense, however, be made clearer by a change in the *ordo verborum*, thus: "Nor shall the opinion of any medical practitioner of [as to?] the insanity of such person be admissible as evidence"?

There can be no reasonable doubt of what the words mean as they now stand, but a casuist might argue that the words exclude from evidence *any* opinion of a medical man, which would be almost tantamount to his exclusion from the witness-box, for even common witnesses cannot be restrained to the logical limits of the matter of fact.

"By a *matter of fact*," says Sir G. C. Lewis, in his admirable work on 'Authority in Matters of Opinion,' "I understand anything of which we obtain a conviction from our internal consciousness, or

any individual event or phenomenon which is the object of sensation." "The essential idea of *opinion* seems to be that it is a matter about which doubt can reasonably exist, as to which two persons can without absurdity think differently." Strictly, then, a witness might not be able to say that a person was furious or talked incoherently without expressing opinions. To stick to fact, he would have to say that the man had knocked him down, and that he could not understand what he said. To save quibble, therefore, it would seem desirable to define the opinion which it is intended to reject, which would be sufficiently done by the slight verbal transposition suggested.

We must, in conclusion, venture to express the opinion that a court of law sometimes needs as much to be protected from the medical science of the barristers as from that of the physicians; for, according to what we have observed and experienced, the fine theories and hard words of the doctors are usually drawn out of them, more or less against their will, by the cross-examining barristers, who cannot afford to sacrifice the exhibition of the modicum of science which they have got up for the occasion. As an instance, a friend of ours had to give evidence at the last winter assizes against a youug woman charged with the murder of her infant by a blow fracturing its skull. The counsel for the defence endeavoured to make him admit that the injury might have been caused by pressure against the *os uteri*, "the bone of the womb," as he learnedly translated it to the jury. "We have avoided technical terms thus far," said the doctor, "but do allow me to remind you that *os* means a mouth as well as a bone."

Whenever we have been drawn into seeming pedantry it has been in cross-examination; and it was in cross-examination that Dr. Winslow hit upon the ethico-pathological definition of Windham's insanity as a "paralysis of the moral sense." Really we ought, in self-defence, to insist upon the publication of the questions to which the replies are given for which we sometimes get laughed at. Let us, however, never forget Bacon's golden maxim—"*Loquendum ut vulgus, sentiendum ut sapientes.*"

APPOINTMENT.

Mr. S. W. D. Williams, M.R.C.S., &c., son of Dr. Williams, of the Gloucester Asylum, has been appointed Assistant Medical Officer to the Northampton General Lunatic Asylum.