

of his most curious and important works, works of which he would certainly have never thought, had he followed a more regular road.

The enthusiastic disciples of Darwin affirm that he has explained everything in the organic world. Quite otherwise is the language of the master. No doubt he allows himself to be carried away too frequently by the *élan* of his thought. Very often, however, he preserves sufficient coolness to recognise the reasons and the facts which militate against him. Then he hastens to signalise them with a loyalty which is almost chivalrous. . . .

I cannot in these pages, any more than in my other writings, keep silence as to that which separates me from Darwin. As always, I have done so with regret. In return, I have from the bottom of my heart endeavoured to render him a last and just homage.

In so doing, I think I am in accord with the general feeling of the Academy. It did not at first accept the candidature of Darwin as Correspondent. Some of the English savants have reproached it on this account. That is wrong. For such, the merit of Darwin lay in his theory. By their hesitation in the first instance, the Academy has indicated that it could not be a party to this judgment. Then, on welcoming the author of the book "On the Origin of Species," it has known how to recognise in it all that is important and durable in the complex work of the illustrious naturalist, and to render justice to his true merits. . . .

Now, Darwin is dead, and certainly no one here has grudged sincere and cordial regrets to this true and great savant, who has chosen to pass his whole life consecrated solely to study and meditation in a modest retreat, free from honours which he could have so easily procured, and which have sought him when he can no longer forbid them.

Case of Guiteau.

The assassination of the President of the United States, General James Abram Garfield, on the 2nd of July, 1881, a few months only after his entry upon office, must ever stand out as a prominent event in American history. The long period of eighty days that elapsed between the date upon which the assassin's bullets were fired and the date at which death closed the scene, and released the victim from his sufferings, gave time for creating the most intense interest and sympathy throughout the civilized world, and for producing an indelible impression upon the memory. The interest thus awakened was not suffered to flag, but was kept alive by the unprecedented nature of the trial of the assassin, Charles Julius Guiteau.

The trial commenced on the 16th of November, and lasted until the 26th of January, the ten weeks of its duration being occupied almost entirely with the question of the mental condition of the assassin, and no less than twenty-four medical witnesses being examined upon this subject, either for the prosecution or for the defence.

The minutes of the trial are stated to extend to two thousand pages, octavo, and we doubt not that when accessible they will well repay careful study; but they have not at present reached us. Dr. John Gray, of Utica, has, however, in spite of the murderous assault committed upon him in March, which we notice in another place, given a summary of the principal points, in an article in the recent number of the "*American Journal of Insanity*;" and to that article we must refer those of our readers who desire to obtain an adequate knowledge of the case. We would also refer to two interesting articles, in favour of Guiteau's insanity, which have appeared in the "*Boston Medical and Surgical Journal*," one on the 16th of February by Dr. Charles Folsom, and the other on the 30th of March by Dr. Walter Channing.

When it is borne in mind that the article by Dr. Gray extends to a hundred and forty-six pages, and that it was written with the intention of introducing no unnecessary matter, and of being as brief as the circumstances would permit, it will be evident that a short review, such as the space at our disposal renders possible, must necessarily omit entirely many points of the case of great psychological interest. As, then, it is impossible for us to attempt to traverse the whole of the ground occupied by Dr. Gray and Dr. Folsom and Dr. Channing, it may be as well to state at once that in our opinion the plea of insanity which was raised in this case was not sustained by the evidence.

The medical witnesses who testified in favour of the insanity of the accused were eight in number, namely, Dr. Kiernan, Dr. Nichol, Dr. Folsom, Dr. Godding, Dr. McBride, Dr. Channing, Dr. Fisher, and Dr. Spitzka; but, although all these medical gentlemen had been subpoenaed by the defence, had examined the prisoner, some of them several times, and had listened to the testimony and observed the conduct of the prisoner, only one of them, the last-mentioned, was asked his opinion as to the sanity or insanity of the prisoner at the time of the examination. To the other seven a hypothetical question was put, but no direct

questions were asked of them, as to their opinion respecting the prisoner's mental condition, founded upon their examination of him; and when the prosecuting counsel, in cross-examination, desired to put questions of this kind, it was ruled that such questions were inadmissible in cross-examination in consequence of their not having been put in the direct examination.

The hypothetical question, upon which the defence relied, was in these words:—

Q. Assume it to be a fact that there was a strong hereditary taint of insanity in the blood of the prisoner at the bar; also that at about the age of thirty-five years his mind was so much deranged that he was a fit subject to be sent to an insane asylum; also that at different times from that date during the next succeeding five years he manifested such decided symptoms of insanity, without simulation, that many different persons conversing with him, and observing his conduct, believed him to be insane; also that during the month of June, 1881, at about the expiration of the said term of five years, he honestly became dominated by the idea that he was inspired of God to remove by death the President of the United States; also that he acted upon what he believed to be such inspiration, and what he believed to be in accordance with the Divine Will, in preparation for and in the accomplishment of such a purpose; also that he committed the act of shooting the President under what he believed to be a Divine command which he was not at liberty to disobey, and which belief amounted to a conviction that controlled his conscience and overpowered his will as to that act, so that he could not resist the mental pressure upon him; also that immediately after the shooting he appeared calm, and as one relieved by the performance of a great duty; also that there was no other adequate motive for the act than the conviction that he was executing the Divine Will for the good of his country. Assuming all these propositions to be true, state whether, in your opinion, the prisoner was sane or insane at the time of shooting President Garfield.

It will be observed that the plea of insanity was based upon the assumption that all the propositions contained in the above hypothetical question were true; but this was an assumption which the evidence failed to sustain. With respect to one of the vital points of the question, whether the prisoner really believed himself inspired of God to commit his act, and that he was under a Divine command which overpowered his will, and which he was not at liberty to disobey, we find Dr. Channing, who was one of the

witnesses for the defence, writing, in the article already alluded to—

It was unfortunate that Guiteau's counsel laid such stress on inspiration, as its existence as a delusion could be easily disproved, and thus the most important element of insanity of the defence could be shattered.

It was shown that Guiteau had no auditory hallucinations, and that the so-called inspiration did not come to him in any of the ordinary ways in which insane delusions usually arise. His readiness to ascribe his acts to inspiration dated from the time of his residence in the Oneida Community, from 1860 to 1865. What may be the precise tenets held by that community we do not know; but it seems that for one thing marriage is regarded amongst the community as an unnecessary institution, and that the members may live as they please, provided they feel that they are inspired, and provided also, which seems to be an important proviso, that they have the consent of the leader, Noyes. Guiteau entered this community at the age of 19, and Dr. Channing writes thus of him:—

At this time he was a quick-witted, sensitive, nervous, half-educated, vacillating, over-religious boy, knowing but little of practical life, and anxious to do great things. At the community he absorbed everything that was bad, but found nothing to develop good. There he learned to believe that he had found the kingdom of heaven on earth, and was taught that indulgence of the passions, if done with the sanction of the leader, Noyes, would be approved by God. Any education more calculated to destroy a correct moral sense, and respect for society, it is hard to imagine.

With this we entirely agree, but we are not disposed to admit that a man whose correct moral sense and whose respect for society have been destroyed by an education of this kind is, on this account, to be regarded as insane, or held irresponsible for his criminal acts, by the society which he has ceased to respect.

Medical evidence of a very positive kind was submitted by the prosecution in disproof of the prisoner's insanity. Sixteen medical witnesses were called by the prosecution, of whom fifteen had personally examined the prisoner, whilst the remaining one, Dr. Fordyce Barker, gave scientific testimony with reference to the general question of heredity. The fifteen physicians who testified to having personally

examined the prisoner and to having formed an opinion, founded upon personal examination, as well as upon a consideration of all the circumstances of the case, to the effect that the prisoner was sane and responsible before the law, were Dr. Noble Young, Dr. Loring, Dr. Allan McLane Hamilton, Dr. Worcester, Dr. Theodore Dimon, Dr. Selden Talcote, Dr. Stearns, Dr. Strong, Dr. Shew, Dr. Everts, Dr. A. E. Macdonald, Dr. Randolph Barksdale, Dr. Callender, Dr. Kempster, and, lastly, Dr. John Gray.

The evidence of these gentlemen clearly disproved the assumption contained in the hypothetical question as to Divine inspiration as an insane delusion.

Dr. Gray, in his evidence, stated that he asked the prisoner, "How did you come to think of insanity as a defence, and when did it occur to you?" and that the prisoner's reply was, "I knew, from the time I conceived the act, if I could establish the fact before a jury that I believed the killing was an inspired act, I could not be held to responsibility before the law." Dr. Gray asked, "How can this appear in evidence as a fact?" The prisoner replied, "I see that, but I think I can answer it. Suppose you take it down that if the jury accepts this as my belief, and the jury believes, as I believe, that the removal was an inspired act, and, therefore, not my own act, they are bound to acquit me on the ground of insanity. I have looked over this field carefully."

Dr. Gray, at a later stage of his evidence, testified to having satisfied himself that this inspiration which the prisoner claimed, did not come to him until after he had fully made up his mind to do the act, and that, in fact, he committed the act with the intention of pleading inspiration as a proof of insanity, in case of need, in his defence. Dr. Gray further gave evidence as to the mode in which the notion of inspiration had been introduced into the mind of the prisoner during his residence with the Oneida Community.

We do not propose to discuss, seriatim, each point of the hypothetical question propounded by the defence, for the reasons which we have already assigned, and also, further, because, if the paragraphs relating to inspiration as an insane delusion are omitted, the remaining assumptions would not, in themselves, be sufficient to support the plea of insanity, even if, as was not the case, they were all made good.

The general tenor of Dr. Gray's evidence goes to show that, in his opinion, disappointment at not obtaining office

under General Garfield's administration was largely concerned as a motive for the commission of the act. It was also established by the prosecution that when the prisoner was, in the first instance, charged with his crime, he justified it as a patriotic act, and asserted that it was a political necessity, and that the President was guilty of the blackest ingratitude towards the men who elected him; also that he said that the prominent men of the Republican party, who would be benefited by his crime, would protect him from the consequences of his act; and that when he learned that these men had expressed their abhorrence of his crime he was struck dumb, and after collecting himself exclaimed, "What does it mean? I would have staked my life they would defend me;" and it was not until after finding that the "stalwarts" repudiated his act, that he justified it on the ground of inspiration.

It is right to point out that the prosecuting counsel did not act without having first obtained medical assistance and advice.

The District Attorney stated that—

Before the prisoner was placed on his trial, the question of his sanity being a question that had been discussed, Dr. Gray, who, from all the representations that we were able to obtain, was probably the best authority on the subject of insanity in this country, came here, and the prosecution were willing to trust the question as to whether the man should be put on trial to his decision. I want him to state that such was his instruction, and that he was left perfectly untrammelled with regard to his judgment.

A medical man upon whom instructions of this nature are laid is placed in a position of the gravest responsibility. He is required to satisfy himself as to the conclusion to which the circumstances of the case, taken as a whole, point. It is not sufficient for him to take up one set of circumstances, pointing in one direction, without also taking into consideration other circumstances of an opposite character. He is not an advocate for either one side or the other, but is an *amicus curiæ*.

We must offer our sincere congratulations to Dr. Gray upon the manner in which he has steered his way through the intricacies of this difficult case, and arrived at what we have already stated we believe to be the conclusion which is, all circumstances considered, in accordance with justice.

There is very much of interest in the article by Dr.

Folsom, to which we have referred; but we think that the admissions which Dr. Folsom, with great fairness in argument, feels himself compelled to make, only tend to confirm the opinion we have expressed. The second of a series of conclusions given by Dr. Folsom is to this effect:—

His shooting the President was, to a certain extent, the logical result of bad training, character somewhat unscrupulous, enormous self-conceit, self-will, disappointment in not getting office, cowardice, extreme political partizanship, delusions or deceit regarding religion, desperation of poverty, expectation of personal gain, love of notoriety, and hope of praise from the “stalwarts.” The fourth of Dr. Folsom’s conclusions is, “He supposed he should escape punishment,” and the fifth, “Certainty of punishment would have restrained him from the act.”

The most interesting point, to our mind, raised by Dr. Folsom is as to whether there may not have been in Guiteau’s life several attacks similar to subacute mania. Dr. Folsom thinks the evidence points to such attacks of mild mania, resulting in considerable dementia, or to periods of maniacal excitement so common in the congenital or degenerative types of insanity, and that, although Guiteau’s mental condition at the time of the trial indicated responsibility, yet that at the time of the murder he might have been suffering from subacute mania with incoherence of ideas. Dr. Folsom also raises the interesting point whether Guiteau is a man who is on the road towards becoming insane, and who, if he were to live another ten years or so, would exhibit unmistakable signs of mental derangement. It must always be extremely difficult to prophesy upon a matter of this sort. It will be remembered by our readers that when Orsini attempted to take the life of the Emperor Louis Napoleon, and killed several people in the attempt, a supposed accomplice, Simon Bernard, was put upon his trial in England, but was acquitted, owing to the skill of his counsel, on the ground of insufficient evidence. Now this man Bernard died insane within four years of his trial. The question arises, supposing the proof of complicity in the plot had not broken down, what would have been the status, with regard to responsibility, of the accused, who at that time exhibited some of the premonitory symptoms of the general paralysis of which he died? Nobody certainly at the time suggested that he was mentally irresponsible.

As the summing up of the judge in the case of Guiteau

is not given in Dr. Gray's summary, we think it will interest our readers. The most important part of it will be found in "Notes and News." It is a careful statement of the law of insanity in America at the present time.

We have in these observations confined ourselves to the question of Guiteau's responsibility. But in this, as in many other criminal cases, we cannot but feel that the character in these cases offers to the psychologist a rich field for study. We are sadly ignorant yet of the various types of human character, especially of those abnormal ones which border on the region of well-recognised mental aberration. When understood, it will be seen to what precise category we are to refer such moral or immoral monstrosities as Guiteau. No physiognomist can look at the outlines of face and head depicted in the remarkable photographs which accompany Dr. Folsom's paper without recognising something extraordinary. They must mean *something*. We should lose the psychological lesson which such peculiar developments are calculated to teach, as contributing to the right comprehension of mental characteristics, were we to throw them aside when we have satisfied ourselves that they cannot constitute a sufficient plea for acquittal on the ground of insanity in criminal cases. They still remain specimens of human nature which are of great interest, and ought to be pressed like rare plants in our *collectanea psychologica*. ✕

Case of Lamson.

In proportion as we estimate the importance of the plea of insanity in criminal cases, as in that of Maclean, ought we to be jealous of its abuse, and recognise the danger of the application of a just principle to shield the guilty and responsible from merited punishment. In our opinion, it would have been a serious miscarriage of justice had the almost unparalleled efforts made on behalf of Lamson proved successful. We have no intention of reproducing the alleged proofs of his insanity or morphia-mania, because it is impossible to distinguish between reliable and unreliable evidence, produced with surprising prolificness, and under conditions eminently favourable to false affidavits and statements more or less manufactured for the occasion, on demand. Even granting that a considerable number of these were true, the evidence would not relieve a man so circumstanced from responsibility. It is not surprising,