If any of our readers would desire to have a standard, or rather a foil, by which to appreciate the truthfulness of Mr. Tennyson's poem, we recommend him to compare it with another autobiography of a madman, namely, that of Sir Eustace Grey, by Crabbe. To say nothing of the poetry or the want of poetry in the latter, we venture to affirm that it is highly improbable, if not impossible, for any person in the state of mind in which Sir Eustace is represented to be, to give so clear, connected, and circumstantial an account of himself as that which Crabbe puts into his mouth. It is, in fact, a fancy sketch; but Maud is a photograph.*

J. C. B.

Medico-Legal Aspects of Neill's Case.

The case of Neill, the Lambeth poisoner, recently sentenced to death and executed for a diabolical murder, raised several points of medico-legal interest. (1.) The highly technical character of the chemical evidence which Mr. Justice Hawkins and the jury *ex necessitate rei* accepted from Dr. Stevenson without being able, as the learned judge very frankly admitted, to follow the elaborate tests by which that distinguished expert arrived at his conclusions, has once more brought to the public notice the position of scientific witnesses in the Courts of Law. Dr. Cook, of Bristol, in a notable letter to the "Law Times," has suggested a new solution of the vexed and inveterate problem, How should scientific facts be established in juridical proceedings? Let the tribunals, says Dr. Cook in effect, recognize their own incapacity and *a fortiori* that of jurymen to understand scientific processes, and let a commission of experts be appointed to inquire into and report upon issues referred to it by the judge presiding over the trial of any complicated medico-legal case. This commission would consist of, say, three members. It would have power to call before it the expert witnesses for the prosecution, and, if there were any, for the defence; to examine and cross-examine them; to hear counsel on the matters in dispute, and possibly to see the crucial tests performed before preparing and presenting its report. This scheme, which is partly borrowed from the continental system of preliminary reports, seems to us, however, to lie open to two objections. In the first place it

* "Journal of Mental Science," Vol. ii., 1855-56.

would involve expense. The members of the scientific commission, unlike the arbitrators of a *tribunal de commerce* in France or Belgium, would have no career before them as the goal of their labours, and could not be expected to act gratuitously. Dr. Cook estimates that an annual sum of £2,000 would cover the working expenses of his proposal, and the British taxpayer could no doubt be induced to make this sacrifice if he were convinced that it contributed to the interests of justice. But a more serious objection remains behind. Suppose that the commission differed in opinion, could the judge safely advise the jury in a case of life and death to act upon the report of a bare majority? Would the jury take such advice even if it were given, and in every such case would not the tribunal be thrown back upon that very weighing of scientific testimony and balancing of scientific authority which it is Dr. Cook's great object to avoid? We venture to think that there is a more excellent way. The law has given many hostages to the principle *ubique in qua arte credendum.* The Admiralty Division hardly ever disposes of a difficult question of shipping law without the aid of the elder brethren of Trinity House as nautical assessors. Every court, from the highest to the lowest, that possesses jurisdiction in patent cases has power to summon expert assistance. In the High Court of Justice itself judicial references are scarcely less common than public trials, and under the Rules of Court the judges are enabled to call in scientific experts in every cause other than a criminal prosecution by the Crown. If this power were simply made universal the end in view would be attained without expensive or elaborate machinery. The task of advising would belong to the assessor; the responsibility of deciding would rest, as at present, with the judge and the jury. (2.) On the trial itself we do not propose to dwell. The prosecution was conducted by the Attorney-General, Sir Charles Russell, with great ability, and in the main with exemplary moderation. The defence was all that could be expected under the circumstances, but the learned counsel for the prisoner—Mr. Geoghegan—like Serjeant Shee in defending Palmer, was, metaphorically speaking, placed in a cleft-stick. He had both to impeach and to uphold the scientific accuracy of the expert of the prosecution. The symptoms of Matilda Clover's death, said the learned gentleman in substance, may not have been due to strychnine poisoning, for Dr. Stevenson is fallible, and his tests may

have yielded wrong results. But Ellen Donworth's death (with which Neill was not charged) must have been caused by strychnine, for Dr. Stevenson found it in her body, and Dr. Stevenson could not have been mistaken. A short interval of time, of course, elapsed between the use of these mutually destructive arguments which Mr. Geoghegan was compelled by the weakness of his case, and, indeed, by the very logic of his position, to employ. But their glaring inconsistency did not escape the eyes of the jury, and must have told heavily against the prisoner's chances of acquittal. There can be no doubt that Neill was properly convicted. No direct evidence of administration, indeed, was forthcoming, and the evidence of identity was so weak that we can readily understand the anxiety with which the counsel for the Crown are said to have watched the progress of the case. But the circumstantial evidence was strong enough to justify the verdict of guilty which the jury unhesitatingly returned. The alleged inadequacy of Neill's motive need not greatly concern us. To a well-regulated mind no such thing as an *adequate* motive for the commission of a crime can possibly exist, but on the unstable mental equilibrium of persons like Neill, the slightest and most obscure motive may operate with even more power. The old story told by Count Cenci to Cardinal Camillo throws some light on such judicial enigmas:

> "I love
> The sight of agony, and the sense of joy,
> When this shall be another's, and that mine,
> And I have no remorse and little fear,
> Which are, I think, the checks of other men;
> This mood has grown upon me, until now,
> Any design my captious fancy makes
> The picture of its wish (*and it forms none*
> *But such as men like you would start to know*)
> Is as my natural food and rest debarred
> Until it is accomplished."

Moreover, it is by no means clear that Neill did not act from at least an appreciable motive. He attempted to levy blackmail, and although he mistook the characters of his intended victims in England, this circumstance merely points to his ignorance of English society, and he may possibly have fared better in America. (3.) The plea of insanity which was set up on his behalf was hopelessly feeble, and was properly rejected by the Home Secretary. We have reason to believe that the American evidence contained no allegation that raised any doubt in Mr. Asquith's mind or rendered

an examination of the prisoner by one of the Crown experts necessary. We are no advocates of the indiscriminate use of the last penalty of the law, but we do believe that there are criminals for whose wickedness the only proper remedy is the scaffold, and that Neill belonged to this terrible category, and we have no hesitation in saying that the commutation of this scoundrel's sentence on the kind of testimony that was presented to the Home Office would have been an insult to the intelligence and a standing menace to the safety of the community. (4.) The mode in which post-trial pleas are now dealt with by the law is highly unsatisfactory. A prisoner is tried for murder; not a whisper of insanity is heard at the trial when the worth of the plea could be publicly determined. He is convicted, sentenced to death, and assured by the judge that he is already civilly dead. Forthwith the air becomes tremulous with rumours as to his mental state, and discharges its vibrations far and wide. A petition for a reprieve is set on foot; a secret and informal investigation by eminent experts takes place, and when the convict's days of grace have all but expired he is either left, like Neill, to go to the scaffold or reprieved, like Laurie, the Arran murderer, and sent to a criminal lunatic asylum, without any information being vouchsafed to the public as to the grounds on which the descending arm of justice has been arrested. It matters not which of these events occurs. Both are equally discreditable to the law. A condemned murderer's days of grace should not be agitated by hopes and fears of a possible commutation, but should "run" from the time when the fate of any plea or petition brought forward or presented on his behalf has been finally determined; and if a sentence of death solemnly and publicly passed in pursuance of a verdict solemnly and publicly returned by a jury is not carried into effect, the community is entitled to know the reason why. We trust that the belated Court of Criminal Appeal, which the judges recommend the Legislature to establish, will be empowered to exercise *jurisdiction* in open court over post-trial, as well as ordinary pleas, and that in any event the medico-legal reports on which capital sentences are commuted will in future be published *in extenso* in the Press. It is satisfactory to know that in this matter the interests of the public and the desire of the medical profession coincide.