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DR. GUY

ON

INSANITY & CRIME,

AND ON

THE PLEA OF INSANITY

IN CRIMINAL CASES



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On INSANITY and CRIME; and on the PLEA of INSANITY in CRIMINAL CASES. By WILLIAM A. GUY, M.B., F.R.S., *Fellow of the Royal College of Physicians, Professor of Forensic Medicine, King's College, London, Physician to King's College Hospital, and one of the Vice-Presidents of the Statistical Society.*

[Read before the Statistical Society, 20th April, 1869.]

I BELIEVE that I do not misrepresent the tendency of public opinion when I state, that, those who have experience of the insane show a growing disposition to attribute many acts of cruelty, violence, and fraud to unsoundness of mind; while those who have no such experience turn from these views with suspicion and aversion. Among the first class there are some who, not seeming to be otherwise unreasonable, go the length of attributing all crime to madness; and among the second class, others who, not appearing deficient either in humanity or discrimination, would see, without regret or misgiving, the sane murderer and the insane homicide hanging side by side on the same gallows. Perhaps, if we seek for them, we shall discover some facts couched in the language of figures, and amenable to the logic of the numerical method, which may go far to set these questions at rest; and perchance the truth, if we can discover it, will be found to set us free from the exaggerations which hang about the path of a special study, as well as from the panics which are apt to seize on those who make the safety of the State, and the protection of the innocent against violence and fraud, their supreme law. Before I submit these facts for your consideration, I desire, partly for the information of some who hear me, and partly for the sake of those who may hereafter have occasion to refer to this paper, to indicate both the qualifications which I possess for the treatment of this grave subject, and the preconceived opinions which might bias me in the choice and treatment of my facts. One of the *qualifications* to which I may be allowed to lay claim I share with other members of my profession; a second I hold in common with all teachers of medical jurisprudence; a third consists in the special information which nearly seven

years of office as medical superintendent of a convict prison, with a daily attendance subject to few interruptions, could not fail to have afforded me. My *preconceived opinions* may be summed up in few words:—I have always felt more sympathy with the victims, than with the perpetrators, of crime; I do not shrink from the thought of the pain inflicted by corporal punishment when it falls on cruel and brutal offenders against the law, or on those who add serious breaches of prison discipline to the crimes which led to their incarceration; nor have I found any reason to prefer any other punishment for murder to death upon the scaffold. Let me add that I have always felt it a relief when I could succeed in tracing some act of revolting cruelty to madness, rather than to the corruption of human nature; and that I have always had more love of truth, in science, in morals, and in government, than fear of the consequences to which its application might threaten to lead us. I state these, my preconceptions, not as subjects for discussion, much less as provocatives to those excellent persons from whom I differ in opinion, but as facts to be borne in mind at each step of this inquiry: by me, as a caution, lest I should be tempted to leave the straight and narrow path of scientific indifference; by you, that you may scrutinise every fact and inference with jealous watchfulness. The grave importance of my inquiry will I hope justify this reference to my personal views.

My subject, as the title of the paper indicates, must be arranged under two heads: I. *Insanity and Crime*, and II. *The Plea of Insanity in Criminal Cases*.

I.—*Insanity and Crime*.

The questions which offer themselves for solution under this head are three in number:—*a*. What is the ratio of insane to sane criminals? *b*. Is this ratio higher than among the rest of the community, and if so, to what extent? *c*. What are the crimes to which insane criminals are especially addicted?

a. The Ratio of Insane to Sane Criminals.—The numerical returns to which we should naturally first look for information on this point, are the successive volumes of “Judicial Statistics.” These supply us with the number of criminals tried for the several crimes and classes of crime, as well as the number of insane belonging to the several groups of criminals, under the two heads, of those “acquitted as insane,” and those “found or declared insane.”

Now, on comparing the whole number brought to trial for all offences in the thirty years 1836-65, with the number of insane comprised under these two heads, we get the low ratio of little more than 1 per 1,000: that is to say, of 1 per 1,000 for males and females of all ages, tried for acts of every degree of criminality, and

being under observation before and at their trial, and for some time afterwards.

But if we separate the less serious offences, which yield only the low ratio of 6 in *ten thousand*, and bring together the more serious ones, we obtain the much higher ratio of $5\frac{1}{2}$ per *thousand*; and if from these more serious offences we set apart the most serious of all, murder, our ratio of insane to sane criminals rises to $14\frac{1}{2}$ per *hundred*, or more than 1 in 7. This high ratio of 1 in 7 exhibits the extreme result which we are likely to attain in the case of any one class of criminals; for in this case the strongest motive exists, in the death-punishment, to establish the fact of insanity at the trial; while, after it, the mind, acted upon, in some cases, by remorse, and, in all cases, by the incidents of a trial recently undergone and imprisonment just commenced, would be likely to display itself in its true colours to the experienced persons in charge of this class of prisoners.

As I may have occasion to refer to these facts again, and to some of their details which I have not yet alluded to, I present the figures for the several classes of crime in a form easy of reference. The table relates to the thirty years 1836-65.

TABLE I.—*Ratios of Insane to Sane Criminals* (“Judicial Statistics”).

Crime.	Tried.	Insane.	Ratio per 100,000.
1. Murder	1,811	263	14,520
2. Attempts to murder, maim, &c., &c.	7,220	157	2,175
3. Assaults	20,725	31	150
4. Offences against property with violence	53,427	30	56
5. ,, without violence	516,226	309	59
6. Malicious offences against property } (49 in 54 arson).....	5,684	54	950
7. Forgery, &c.	9,412	7	74
8. Other offences	22,796	13	57
Total	637,301	864	136

In order to complete the instruction which these returns afford, I present, in a second table, for the same numbers of offences tried, the numbers and ratios of persons acquitted as insane, and of those subsequently found or declared insane.

TABLE II.—*Ratio of Insane to Sane Criminals (distinguishing those Acquitted as Insane from those Found or Declared Insane).*

Crime.	Ratios per 100,000.		
	Acquitted as Insane.	Found or Declared Insane.	The same per Cent.
Murder	9,829	4,693	68 32
Attempts to murder, maim, &c.	1,233	942	57 43
Assaults	121	29	81 19
Offences against property with violence	19	21	48 52
" without violence....	25	34	43 57
Malicious offences against property.....	581	369	61 39
Forgery, &c.	21	53	28 72
Other offences	26	31	46 54

The only observation which it occurs to me to make upon this table is, that the acquittals on the ground of insanity are, as a rule, proportionably more numerous as the crimes are more serious; a result doubtless compounded of the actual state of the culprit's mind and of the strength of the motive offered at the trial to establish his insanity. The crimes which exhibit the greatest proportional numbers of acquittals are:—

Assaults; murder; malicious offences against property; and attempts to murder, maim, &c.

Those that show the least proportional numbers are:—

Forgery, &c.; offences against property without violence; miscellaneous offences; and offences against property with violence.

It will be observed that both groups are arranged in order: the first beginning with the highest; the second with the lowest.

But these figures from the "Criminal Statistics" are obviously very far from presenting a true picture of the prevalence of insanity among criminals. For, on the one hand, it is only in the case of crimes which entail the punishment of death, or the very longest terms of imprisonment, that the plea of insanity is likely to be set up; and, on the other, criminals sentenced to shorter terms of imprisonment, looking forward to a speedy release, will so far control themselves as to avoid acts that might raise a suspicion of their unsoundness.

If, then, we would ascertain the true relation of insanity to crime, we must make use of such numerical returns as relate to the class of criminals to be found in our convict prisons. In their case, what with the remote prospect of release, and the prolonged opportunity afforded for observation, there is every reason why

insanity should display itself and be recognised; and if to the cases so recognised we add those in which an acquittal has taken place on the ground of insanity, we shall learn, what we are most interested in knowing, the ratio of insane to sane among the worst class of criminals.

Now, it happened fortunately for my present purpose that, in the year 1862, I obtained permission from the late Sir Joshua Jebb to procure a complete *census* of the criminals occupying the several convict prisons on the 31st March of that year. The information thus obtained related to the sex and ages of the convicts; to the fitness or unfitness of the men for labour; to the mental and bodily condition of men and women; and to the crimes for which they were undergoing punishment. In a paper which I read at a meeting of the Social Science Association held in London in that year, I was able to avail myself of the favourable opportunity thus afforded me, and to place on record the ages of the convict population, male and female; their state of mind and body; the crimes with which these states had become associated; the mortality to which they were subject from pulmonary consumption, and from all causes; and the relation of that mortality to the deaths occurring from the same causes in England, in London, and in the parts of London most likely to be inhabited by the destitute and criminal classes.

I now proceed to make use of the figures of this census, as the basis of a further inquiry into the relation of insanity and crime.*

On the day of the census (31st March, 1862), there were in all the convict prisons 5,952 male, and 1,218 female, prisoners; out of which numbers 243 men and 29 women were returned as of weak mind, insane, or epileptic. Now, if we count all these persons as of unsound mind, we obtain a ratio of 40·8 per 1,000 for men, 23·8 for women, and 37·9 for men and women together; or, in round numbers, 41, 24, and 38 per thousand for the three respectively.

But to these figures it is necessary to make certain additions; for the whole body of prisoners in the convict establishments on the 31st March, 1862, must be considered as the residue of criminals brought to trial during some years preceding, of whom a certain number had been acquitted on the ground of insanity, and a still larger number had been found insane by the medical officers of the several prisons, and sent to lunatic asylums.

A calculation based on the ratio borne by acquittals on the ground of insanity to convictions, as set forth in the "Judicial

* "On some Results of a Recent Census of the Population of the Convict Prisons in England; and especially on the Rate of Mortality at Present Prevailing among Convicts." By W. A. Guy, M.B., Medical Superintendent of Millbank Prison. "Transactions of the National Association for the Promotion of Social Science, 1862."

“Statistics,” shows that the addition required to be made under this head is not large. It does not exceed 16 in the case of male, and 8 in the case of female, convicts.*

After these additions, the numbers of insane and of sane prisoners of either sex will stand as follows:—

TABLE III.

	Males.		Females.		Males and Females.	
	Insane.	Sane.	Insane.	Sane.	Insane.	Sane.
By the census	243	5,709	29	1,189	272	6,898
Add acquittals on the ground of insanity	16	—	8	—	24	—
	259	5,709	37	1,189	296	6,898

The addition which ought to be made to the foregoing figures, in consequence of certificates of lunacy, and consequent removal to asylums, of such convicts as supplied the residues of 5,952 males, and 1,218 females found in prison on the 31st March, 1862, cannot be calculated with precision: it can only be roughly estimated. I

* The elements of the calculation referred to in the text are contained in the following tables:—

1. *Convicts, 31st March, 1862.*

	Males.	Females.	Males and Females.
Crimes attended with violence.....	1,761	122	1,883
„ not attended with violence	4,056	1,082	5,138
Arson	135	14	149
	5,952	1,218	7,170

2. *Acquitted as Insane and Convicted in the Thirty Years 1836-65.*

	Acquitted as Insane.	Convicted.
Crimes attended with violence	303	64,691
„ not attended with violence	140	442,197
Arson	33	3,330

Assuming the acquittals on the ground of insanity in the three classes of Table I to have borne the same proportion to the numbers convicted and sent to the convict prisons as the acquittals and convictions respectively bear to each other in Table II, a simple series of calculations gives us the round number 24, to be divided among the two sexes in the proportion of 16 and 8 (40·8 and 23·8 approximating to the ratio of 2 to 1).

am much assisted in making this rough estimate by a published memorandum of the late Sir Joshua Jebb,* from which it appears that in the year 1860 (two years prior to the census) the whole convict male population, or (to speak more exactly) a number equivalent to the whole, was renewed at the rate of 36 per cent. per annum, and a number equivalent to the whole female convict population at the quicker rate of 45 per cent. per annum. Of the males, 296 were transported to Western Australia; and there were discharged, on expiration of sentence and on ticket of leave respectively, 1,588 and 677 males, and 246 and 167 females. It further appears from this memorandum that, in 1859, the number of male convicts sent to Western Australia, Bermuda, and Gibraltar amounted to no less than 644, that number being itself much less than in the years preceding.† Seeing, then, that only two years prior to the taking of the census the male convict population was being renewed in somewhat less than three years, and the female population in little more than two, we shall make a very liberal addition to the figures just stated, if we place to the credit of the criminal residue of 31st March, 1862, all the removals to lunatic asylums in the three years preceding. Now, I have ascertained that the numbers for these three years amounted to 100; and that of this number 11 were women and 89 men. On adding these figures to those of Table III, we obtain the following results:—

* “Memorandum on Different Questions Relative to the Management and Disposal of Convicts, &c., &c.” By Sir Joshua Jebb, K.C.B., &c., &c., Chairman of the Directors, 1861.

† The following is a condensed statement of the figures relating to this year 1860:—

	Males.	Females.
In convict prisons, 1st January, 1860.....	6,934	1,188
Received during the year	2,504	531
Disposed of during the year.....	9,438	1,719
Remaining, 31st December, 1860.....	2,731	436
Remaining, 31st December, 1860.....	6,707	1,283
Removed to lunatic asylums.....	41	2
Pardoned on medical grounds	26	—
Deaths.....	83	19
Sentence expired	1,588	246
Released under an order of licence.....	677	167
Sent to Western Australia	296	—
Other causes of removal (escapes, &c.) .	20	2
Remaining, 31st December, 1860.....	6,707	1,283
Total	9,438	1,719

TABLE IV.

	Males.		Females.		Males and Females.	
	Insane.	Sane.	Insane.	Sane.	Insane.	Sane.
By the census, and by acquittals on the ground of insanity	259	5,709	37	1,189	296	6,898
Add insane certified in the three years 1859-61	89	—	11	—	100	—
Total	348	5,709	48	1,189	396	6,898

By these additions to the figures of the census, the ratio of insane male convicts is raised from 41 to 61 per 1,000; of insane female convicts from 24 to 40 per 1,000; and of the two sexes taken together to 57 per 1,000; and these figures may be taken to represent the extreme ratio of insane to sane among the worst class of English criminals. I believe that they are greatly in excess of the truth; but I am unable to say by how much they go beyond it.

b. Insanity among Criminals compared with Insanity among other Classes of Society.—As we possess some data by which to estimate the ratio of sane to insane persons in the general population, and also among the class of paupers, I shall treat this division of my subject under the two heads thus suggested.

The ratio of insane to sane among the population of England may be ascertained with some approach to accuracy by combining the data furnished by the Commissioners in Lunacy, the Poor Law Board, and the census of convict prisons.* In order to make this estimate as complete as our necessary ignorance of the number of insane persons among the general population who are not brought under the cognizance of any public body will allow, we ought to add an unascertained number of insane criminals at all times to be found in the county and borough gaols. Now, if we take the ascertained population of these gaols in 1861 as our guide, we may estimate their inmates at this date at 20,000, which number at the low rate of 1 per cent. will yield 200 insane persons to be added to the general muster-roll of the same class in England. The number of insane persons in England and Wales for 1867 may therefore be stated approximatively as follows:—

* 1. "Twenty-second Report of the Commissioners in Lunacy for 1867," published June, 1868; 2. "Twentieth Annual Report of the Poor Law Board, 1867-68;" 3. "Census of the Population of the Convict Prisons in England," previously cited.

TABLE V.

Insane other than paupers.....	5,919
("Report of Commissioners in Lunacy, Summary," p. 106)	
Insane paupers (lunatics and idiots)	41,276
("Report of the Poor Law Board," p. 12)	
Weak-minded, insane, and epileptic	272
(As in the "Census of Convict Prisons," 1862)	
Add for county and borough gaols	200
	<hr/>
Total	47,667*
	<hr/>

This total of 47,667 represents, be it understood, the aggregate of lunatics and idiots; and as, among the insane pauper population which forms so large a proportion of the whole, the insane who are designated as "lunatics" constitute, as nearly as possible, three-fourths of the whole, $\frac{3 \times 47,667}{4} = 35,758$, or a number nearly approaching to it, may be taken as the figure to compare with the census of convicts. Now, as the estimated population of England and Wales for the year 1867 amounted to 21,429,508, the number of insane distinguished as "lunatics" will be 1.67 per 1,000 of the population; and if the lunatics in the whole population admitted of comparison with the insane among the convicts, we should have the ratio of insane to sane criminals (57 per 1,000) thirty-four times as great as the ratio of lunatics to the whole population of England: or, if we take half the population to represent the adults which supply the convict prisons, we shall still have the criminal lunatics in excess in the high proportion of 17 to 1. But, in truth, the convict population does not admit of being thus compared with the general population; for the mass of insane convicts consists of imbeciles retained in confinement till the expiration of their sentences, and admits of no comparison with the lunatics of the general population, consisting, as it does, of the slow accumulation of men and women, the survivors of those who, for years previously, had been discharged cured or had died early. All then that can be safely said on this head is, that the disproportion between the ratio of insane to sane convicts and the ratio of lunatics to the population is so great as to justify the assertion, in general terms,

* This number falls far short of the true total of insane persons in England and Wales; for not only are there many lunatics among the wealthier classes who have not been brought under the notice of the Lunacy Commission, but the weak-minded, insane, and epileptic inmates of our prisons, who must exceed 250 in number, form, there is good reason to believe, only a small fraction (say 1 in 10) of the same classes roaming about the country under the slang names of *half-sharps* and *dozeys*, living by doles in the day time, using the casual wards of the union as sleeping places at their pleasure, and committing, or taking part in, the worst offences against the law.

that the criminal population is much more liable to insanity than the community at large.

If now we turn from the general population to the population of paupers, concerning whose liability to insanity we possess very accurate information, we shall probably obtain some instruction of the same general character, interesting, but necessarily inexact.

The pauper community, like a morass which holds the stagnant waters from running streams, is made up of the children of vice or misfortune; of able-bodied adults who cannot find work or will not exert themselves to obtain it; of all the sick from all classes of society who have failed, or refused to make, any provision for the future; and of aged persons, the worn out culprits of society mixed with a few victims of misfortune. This strange community naturally attracts to itself the idiot, the imbecile, and the lunatic; and becomes the temporary resort of all of these who are too poor to defray the charges of the private asylum. Among the class of paupers, then, we may expect to find insanity in all its forms at a maximum; and it cannot but prove instructive to compare this exceptional class with the convict population.

Now we learn that out of a population of 963,200 paupers in receipt of out-door and in-door relief on the 1st January, 1867, no less than 30,905 were lunatics, as distinguished from idiots (10,371 in number).* This gives us the ratio of 32 per 1,000, or somewhat in excess of half the ratio (57 per 1,000) obtaining among the convict population. But on referring to the population returns for 1861,† it will be seen that of the in-door pauper population only one-fifth are of the ages (20—45) of the mass of the convict population. So that the ratio of the "lunatic" paupers to the pauper population of these ages will be found to rise to no less than 160 per 1,000, or nearly three times the ratio prevailing among our convicts. If, then, these figures were adopted as a rough approximation to the truth, it would follow that the convicts, though much more liable to insanity than the general population of which they form a part, are much less liable than the young and middle aged adults among the inmates of our workhouses.

c. The Crimes of Insane Convicts.—The returns from the convict prisons which furnished the materials for the census of 1862, put us in possession of facts relating to the ages of men and women, their mental and bodily condition, and the crimes for which they were undergoing punishment; also, in the case of male convicts, their fitness or unfitness for labour. It will be convenient to treat first of the men, and then of the women.

* "Twentieth Annual Report of the Poor Law Board," p. 12.

† Table XXXVI, p. xevi, of Summary Tables in vol. ii, showing the ages of male and female in-door paupers.

Male Convicts.—The 5,952 male convicts of March, 1862, consisted of 217 military offenders, and 5,735 civilians. The two classes are thrown together in the tables of the essay cited at p. 163, and in the earlier part of this paper. I shall now separate the military offenders as having been guilty of crimes not strictly comparable with those committed by the other convicts. But, in doing so, I shall take occasion to compare the bodily and mental condition of the two classes.

TABLE VI.

	Civilians.	Military.	Ditto per 1,000.	
			Civilians.	Military.
1. Weak-minded, insane, and epileptic	235	8	41	37
2. Subjects of serofula and chronic disease	657	7	115	32
3. Subject to deformity or defect, } original or acquired	1,444	20	251	92
4. Not suffering from disease, infirmity, } or defect				

The figures of this table are very instructive. They show that the process of recruiting which transforms the civilian into a soldier, while it eliminates a large proportion of the subjects of bodily disease and defect, does not shut out any appreciable proportion of those who suffer from disorders of the mind and nervous system: and this instructive fact will appear in a still clearer light if we resolve the figures of the first line of the table into their constituent parts, as is done in Table VII.

TABLE VII.

	Civil.	Military.	Ditto per 1,000.	
			Civil.	Military.
1. Weak-minded	160	6	28	28
2. Insane	14	1	2	5
3. Epileptic	61	1	16	5

Thus, then, it appears that the 217 military offenders and the 5,735 civilians contributed to the convict population of 1862 precisely the same proportion of men of weak mind. And we may infer from this that there are to be found among the population which supplies us both with criminals and soldiers about 28 in the thousand of men of weak mind not yet recognised as proper objects for the lunatic asylum. Some of these men, characterised in the picturesque language of the medicant-thief community as *half-sharps*, are, to my knowledge, very hard to understand. They are a puzzle

to doctors, magistrates, and recruiting officers alike:—plausible beggars, adroit thieves, extremely dangerous and costly members of the community. We shall know more about them and understand them better presently.

I now proceed to deal with the residue of male convicts which remains after excluding military offenders and others under punishment for offences which in 1862 I found it hard to classify, and which I then arranged in a class by themselves under the heading “other offences.” After deducting these two classes and four malingerers whose offences were not specified in the returns, I find that I have to deal with 5,598 male convicts, whose crimes I arrange under the following heads:—

TABLE VIII.

	Rape and other Offences contra Naturam.	Arson.	Cattle, Sheep, and Horse Stealing.	Burglary.	Homicide and other Crimes attended with Violence.	Fraudulent Offences.
Affections of the mind and nervous system } Scrofula and chronic diseases of the heart and lungs } Deformities and defects, congenital or acquired } Not suffering from any disease or defect }	18 12 49 80	13 13 21 68	9 12 47 116	35 125 230 671	29 54 128 331	125 419 929 2,064

Ditto per 1,000 of each Class.

	Rape and other Offences contra Naturam.	Arson.	Cattle, Sheep, and Horse Stealing.	Burglary.	Homicide and other Crimes attended with Violence.	Fraudulent Offences.
Affections of the mind and nervous system } Scrofula and chronic diseases of the heart and lungs } Deformities and defects, congenital or acquired } Not suffering from any disease or defect }	79 19 35 24	57 20 15 20	39 19 33 35	153 197 164 201	127 85 90 100	546 660 663 620

In the following table I separate the first class into its three constituents—the weak-minded, insane, and epileptic; and I obtain the following figures:—

TABLE IX.

	Rape, &c.	Arson.	Cattle Stealing.	Burglary.	Homicide and other Crimes of Violence.	Fraudulent Offences.
Weak-minded	15	11	6	28	17	81
Insane	1	1	1	—	2	8
Epileptic	2	1	2	7	10	36

Ditto per 1,000 of each Class.						
	Rape, &c.	Arson.	Cattle Stealing.	Burglary.	Homicide and other Crimes of Violence.	Fraudulent Offences.
Weak-minded	95	70	38	177	108	513
Insane	77	77	77	—	154	616
Epileptic	34	17	34	121	172	621

From the first of these two tables we learn that the men who suffer from diseases of the mind and nervous system are specially addicted to sexual offences, to arson, and to acts of violence other than burglary; also in a less marked degree to cattle stealing; while they take the lowest rank only in burglary and in fraudulent offences which may be presumed to require the maximum of forethought and contrivance.

The second table shows that it is to the weak-minded members of this mixed class that we are to attribute in a special manner the sexual offences, the fire-raising, and the burglaries; to the epileptic the crimes of violence; to the insane the cattle stealings; to the insane and epileptic nearly equally the group of fraudulent offences.

I should attach more importance to these figures were it not for the smallness of the numbers in the case especially of the insane. But if, for the mixed class of weak-minded, insane, and epileptic of Table VIII we substitute the weak-minded of Table IX, and place each class of criminals in the order of the figures which represent their crimes, we obtain the following curious results:—

SEXUAL OFFENCES.

Weak-minded, 95; deformed, &c., 35; healthy, 24; scrofulous, &c., 19.

ARSON.

Weak-minded, 70; scrofulous, &c., and healthy, each 20; deformed, &c., 15.

CATTLE STEALING.

Weak-minded, 38; healthy, 35; deformed, &c., 33; scrofulous, &c., 19.

HOMICIDAL AND VIOLENT ACTS.

Weak-minded, 108; healthy, 100; deformed, &c., 90; scrofulous, &c., 85.

BURGLARY.

Healthy, 201; scrofulous, &c., 197; weak-minded, 177; deformed, &c., 164.

FRAUDULENT OFFENCES.

Deformed, &c., 663; scrofulous, &c., 660; healthy, 620; weak-minded, 513.

Hence it appears that in four out of six groups the weak-minded head the lists, and that they are addicted to sexual offences by comparison with the healthy in the ratio of 4 to 1; to arson in the ratio of $3\frac{1}{2}$ to 1; to cattle stealing in the ratio of 38 to 35; to acts of violence in the ratio of 108 to 100; while in the crime of burglary the weak-minded approach the healthy as 177 approximates to 201. I hazard the opinion, not without some authority from special cases which have come under my observation, that the criminal who is reputed sound in mind and body often associates the weak-minded with himself in the crimes of burglary and cattle stealing, and in such fraudulent offences as passing bad coin. It may be well, before I quit this first division of my subject, to place the facts contained in Table VIII in a more simple form by substituting for the four groups in that table the three groups of weak-minded, healthy, and diseased and deformed.

TABLE X.

	Rape, &c.	Arson.	Cattle Stealing.	Burglary.	Homicidal and Violent Acts.	Fraudulent Offences.
Weak-minded	15	11	6	28	17	81
Healthy	80	68	116	671	331	2,064
Diseased and deformed	61	34	59	355	182	1,348
Ditto per 1,000 of each Class.						
	Rape, &c.	Arson.	Cattle Stealing.	Burglary.	Homicidal and Violent Acts.	Fraudulent Offences.
Weak-minded	95	70	38	177	108	513
Healthy	24	20	35	201	100	620
Diseased and deformed	27	17	26	181	87	662

Female Convicts.—To prepare the tables in the essay so often referred to for my present purpose, it is only necessary to deduct from the 1,218 female convicts the five whose crimes were not referred to any distinct class, one malingerer, one cattle stealer, and one convicted of aiding a rape. This deduction made, we have 1,210 female convicts to arrange in tabular form in accordance with their mental and bodily state and the crimes for which they were undergoing punishment in the year 1862.




The following table is the counterpart of Table VIII :—

TABLE XI.

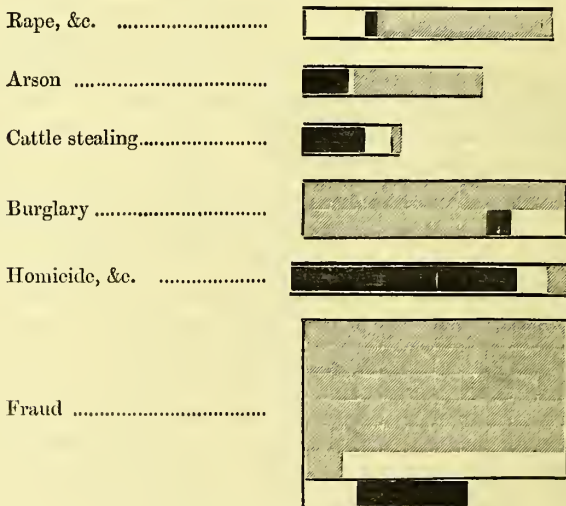
	Arson.	Burglary.	Violent Offences.	Fraudulent Offences.
Affections of the mind and nervous system .	1	2	2	24
Scrofula and chronic diseases of the heart and lungs	2	2	9	92
Deformities and defects, congenital or acquired	2	2	13	145
Not suffering from any disease or defect	9	38	53	814
Ditto per 1,000 of each Class.				
	Arson.	Burglary.	Violent Offences.	Fraudulent Offences.
Affections of the mind and nervous system .	34	69	69	828
Scrofula and chronic diseases of the heart and lungs	19	19	86	876
Deformities and defects, congenital or acquired	12	12	80	896
Not suffering from any disease or defect	10	42	58	890

It will be seen that between Table VIII and Table XI there are some coincidences and some divergences. The column which, in both tables, marks the crime of arson, exhibits the convicts mentally affected as specially addicted to this dangerous and destructive practice. Again, Table XI shows the class of fraudulent offences in exactly the same order as Table VIII, and the female convicts mentally affected, like men of the same class, to be least addicted to fraudulent offences. On the other hand, women of this class are found to stand at the head of the column which comprises burglars and housebreakers, probably because, as housekeepers, they become associated with burglars of the other sex. Lastly, Table XI shows the females subject to bodily disease to be most addicted to crimes of violence, in lieu of the mentally affected who head the corresponding column in Table VIII. To this class of crimes the healthy women are least addicted, and the diseased and deformed among them, most.

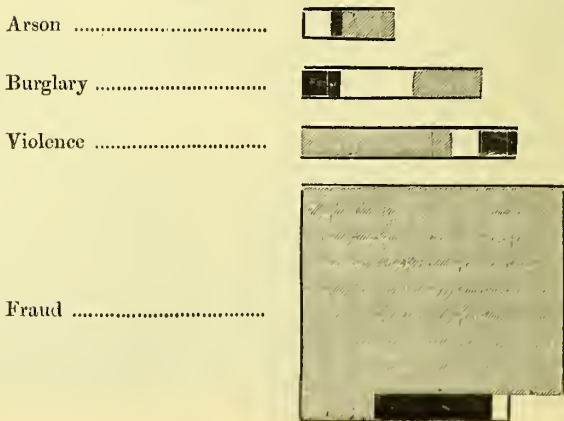
As the number of women subject to affections of the mind and nervous system is very small, I shall not enter into any further analysis of the crimes of female convicts. Of the two sexes, compared with each other, it may suffice to state that fraudulent offences are in excess among women as compared with the same class among men, in about the proportion of 3 to 2; that the ratio is inverted in the case of the crime of arson; while crimes attended with violence (not comprising burglary) count as 10 to 7 in the case of men and women.

The crimes of healthy, diseased, and weak-minded convicts, male and female, are shown in the following plan, in which the unshaded parts  relate to the healthy, the dark parts  to the diseased and deformed, and the shaded parts  to the weak-minded: and, if we take the diagram relating to fraud among males as an illustration, the shaded part represents the fraudulent offences committed by the weak-minded out of 1,000 crimes of all kinds; this, added to the unshaded spaces, shows the same offences as committed by the healthy; and the entire block (shaded light and dark), the frauds committed by the diseased and deformed.

Male Convicts (1,000).



Female Convicts (1,000).



Before I proceed to the second division of my subject—The Plea of Insanity in Criminal Cases—I shall offer a brief summary of the results to which the inquiries of this first part appear to have led.

1. That *the ratio of insane to sane criminals*, when estimated by the number acquitted on the ground of insanity or found or declared insane soon after trial, ranges from 56 to 14,520 per 100,000; the high proportion of $14\frac{1}{2}$ per cent. being attained in trials for murder.

2. That the higher ratios obtain in the case of murder; attempts to murder and maim; arson, and other malicious offences against property; and assaults: these offences being placed in the order of the liability to insanity. On the other hand, the crimes which show the lowest ratio (these too being placed in the same order) are forgery, &c.; offences against property without violence; and offences against property with violence.

3. That among those acquitted on the ground of insanity, the higher ratios prevail in the case of assaults; murder; arson and malicious offences against property; and attempts to murder, maim, &c.: these also in the order of their frequency.

4. That according to a very liberal estimate, based on a census of convict prisons taken in 1862, the ratio of insane to sane probably does not exceed 61 per 1,000 in the case of male convicts; 40 per 1,000 in the case of female convicts; and 57 per 1,000 for the two sexes taken together: or approximatively, 6, 4, and 6 per cent.

5. That the ratio of insane to sane convicts is so large as compared with the ratio of insane to sane among the general population as to justify the statement that the criminal population contains a much larger proportion of insane members than the community at large.

6. That convicts, though much more liable to insanity than the general population of which they form a part, are much less liable to it than the young and middle-aged adults among the inmates of our workhouses.

7. That the ratio of weak-minded to other convicts is exactly the same in the case of soldiers and civilians.

8. That among male convicts the weak-minded are found specially addicted to sexual offences, and arson; and, in a less degree, to cattle stealing, and offences attended by violence.

9. That, among female convicts, the insane are also specially addicted to arson.

10. That the weak-minded and insane, both among male and female convicts, are less given to crimes marked by fraud.

11. That, on comparing men with women, women are found to

be addicted to fraudulent offences in the proportion of 3 to 2; while men are more given to arson in the ratio also of 3 to 2, and to crimes attended with violence in the proportion of 10 to 7.

II.—*On the Plea of Insanity in Criminal Cases.*

Under this head, I shall examine the question, whether the admission of the plea of insanity in criminal cases encourages crime. The facts which I shall make use of for this purpose are taken from the summary table to be found in the "Judicial Statistics" in the successive volumes from the year 1836 to the year 1867 inclusive, in the two columns of that table headed respectively "Acquitted as Insane," and "Found or Declared Insane;" that is to say, acquitted at the trial, or soon after it. I shall begin by presenting these facts for the thirty-two years comprised in the reports, in a tabular form, in which I shall show first, for each year, the sum of the two classes found insane at or after the trial; then these figures reduced to the uniform standard of 20,000,000, being an approximation to the population of England and Wales out of which these insane criminals have come; and lastly these figures, thus corrected, grouped in periods of two, four, eight, sixteen, and three years respectively. The table, which consists wholly of round numbers, is the first (A) of the Appendix.

Now there is one fact which is patent on the face of this table, whether we examine the first column of the figures, as given in the "Judicial Statistics;" or the second column, which shows the ratio per twenty million of inhabitants; or the subsequent columns, which exhibit these ratios in different groups of years:—the first figure in every column is larger than the last; in other words, there were more persons found insane at or after trial in 1836 than in 1867, in 1836-37 than in 1866-67, in the four years 1836-39 than in the four years 1864-67, in the eight years at the beginning of the series than in the eight years at the end of it; and, again, in every group of three years at the head of the table as compared with the corresponding group at the tail of it. To show the degree of difference, it will suffice to point out that the corrected figures for 1836 are exactly double the corresponding figures for 1867. Another fact which reveals itself with equal clearness on the very face of the table, is the fluctuating character of its figures, and the absence of any long series of increase or decrease. Thus, in the first column, we have such figures for two successive years as 40 and 26, 38 and 22; and, in the second column, 42 and 30, 47 and 30, 24 and 37; but we cannot pick out from the first four columns any instance of a continuous increase or decrease extending beyond four years, or four periods of years. But the most remarkable feature in this table is the progressive decrease of the last figures, rendered very distinct

when the years are thrown into groups of two or more years. In the column of two years the number of insane falls, with fluctuations, from 77 in 1854-55 to 43 in 1866-67; and in the column of four years, without fluctuation, from 150 in 1852-55 to 99 in 1864-67. In the column of eight years there is a fall from 292 to 216. If, then, the remarkable fluctuations in the figures of the table, the shortness of the periods of increase or decrease, and the falling off of the numbers in later years, as shown by every column of the table, were taken (as it is not unreasonable that they should be) as good reasons for thinking that crime has not been encouraged by the admission of the plea of insanity in criminal cases, the experienced worker with figures would feel that he ought not to rest satisfied with this inference, however plausible it may appear at first sight. The fluctuations, and the short periods of increase or decrease—may they not possibly be traced to causes acting at short intervals? and the falling off in numbers which marks the last third of the table—may it not be due to some cause wholly unconnected with the plea of insanity? and may not that be found to be some new state of things coming into play at or about the two years 1854-55, or in the very year 1855? Let us first see what light is thrown on this question if we divide the whole body of crimes into two groups, the first consisting of crimes characterised by passion, violence, and malice, the second by fraud: placing in the first class murder and murderous attempts, manslaughter, assaults, sexual offences, burglary, and arson, with a few others; in the second, larceny, forgery, receiving stolen goods, and several similar offences. These two classes form the staple of Table B of the Appendix, in which also the figures have been reduced to a uniform standard of twenty millions.

Now, while the first column of this table, which records the facts relating to crimes of passion, violence, and malice, displays, on a cursory examination, no remarkable falling off in the figures, the second column, which relates to fraudulent offences, shows, for the year 1856, a sudden decline from 15 to 4, followed by low figures subject to considerable fluctuations. The cause of this sudden fall and continuous decline is found in the operation of the Criminal Justice Act (18 and 19 Vict., cap. cxxvi), which empowered justices of the peace at petty sessions, and metropolitan police magistrates, to deal summarily with cases of simple larceny where the value of the property stolen does not exceed 5s., and with cases where the value exceeds that amount, the accused pleading guilty. This Act of Parliament came into full operation in the year 1856 (it bears date 14th August, 1855); and it was in that year that the fall from 15 to 4 took place. That it was competent to bring about this considerable reduction may be inferred from the fact that the

total commitments, or cases brought under the jurisdiction of the criminal courts, fell from 29,359 (the number in 1854) to 25,972 in 1855, to 19,437 in 1856, and to 17,855 in 1858, 1857 having been marked by a slight increase of 832 over the year preceding. The reduction from 1854 to 1858 amounted to no less than 11,504 out of 29,359.

The bearing of this act of parliament on the number of persons found insane must have been considerable; for it had the effect of sending straight to prison more than a third of those persons who had previously been detained for trial by jury at sessions or assizes, under circumstances favourable to the outbreak or detection of insanity; and it is worthy of remark that the reduction of cases of insanity among the class of fraudulent offenders from 46 in the three years prior to 1855, to 15 in the three years subsequent to it, is a very close fractional approximation to the total reduction in the number of committals (from 25,972 to 17,855, or 8,117) in the years 1855-58. In both cases the fractional reduction was somewhat less than one-third.

We have thus made a forward step in our inquiry; and may for the present dismiss the class of fraudulent offences with the remark that while, as a general rule, and taking one year with another, the smaller class of offences marked by passion, violence and malice, yields a larger number of cases of insanity, the far larger class of fraudulent offences furnishes fewer such cases; but that both classes exhibit the same kind of fluctuations from year to year, as is very clearly seen when the figures of the table are thrown into the form of curves. The lines of the two curves for the first twenty years are seen to intermix and touch each other; whereas, after 1855, they separate widely. The column of crimes of violence exhibits every degree of annual fluctuation between the numbers 27 and 12; the column of fraudulent offences like fluctuations between 22 and 8.

In this close resemblance between the figures of the first two columns of the table during the space of twenty years, I recognise a forcible argument in favour of the safety to the public of entertaining the plea of insanity: for among the cases represented in the first column are to be found all those acquittals on the ground of insanity which most excited the public mind, and gave rise to the most serious misgivings; while the second column consists wholly of cases in which the public had no cognizance whatever of the fact of insanity having been made the subject of inquiry. In other words, the complete publicity attending the acquittal of such men as McNaughten and Dadd, and such women as Martha Brixey; the escape from the gallows of Oxford and Francis, and from the lash of Lieutenant Pate, seems to have left no mark on the column which

registers their cases that is not equally impressed on the column that records the madness of the unnoticed petty thief, or practitioner of the many forms of fraud.

Let us now see whether this fair inference from the figures of this table is, or is not, borne out by a critical study and examination of the elements of which the first column consists. The crimes comprised in this column are:—1. Murder, attempts to kill and injure, manslaughter, and assaults. 2. Sexual offences, including rape, and offences *contra naturam*. 3. Burglary and housebreaking; and, 4. Arson and a small number of other malicious offences. In Table C of the Appendix, the numbers of the insane who have committed these several crimes are given, first for each year of the series of thirty-two years from 1836 to 1867, and then for groups of three years beginning, in one series, with 1836, in the other with 1838, so as to present two distinct sets of figures, and thus avoid any imputation of unfairness in preparing the table for examination and analysis. In consequence of the smallness of the figures in some of the columns, I have not reduced them to a uniform standard of population.

I shall presently make this correction in respect of the groups of three years; but will first observe of the table as it stands, that it shows the same remarkable fluctuations from year to year as the earlier tables did: in the first column such successive figures as 8 and 18, 12 and 28, 19 and 10, 18 and 8; in the second column, such as 1 and 6; in the third, 4 one year, and 0 the next, with no case in four successive years; and in the fourth and fifth columns, a like state of things. But when we examine the triads of years, we observe a tendency to increase, which will be more readily estimated if we arrange them in double horizontal columns, contrasting the first with the last, the second with the last but one, and so on; the exceptions to the rule of increase being indicated by the sign (<) for decrease, and (=) for equality.

TABLE XII.

	Triads of Years, beginning with 1836.					Triads of Years, beginning with 1838.				
Murder, &c.	{ 41	28	42	47	46 <	30	36	44 <	47	41
	{ 59	50	59	54	39 <	46	68	36 <	68	47
The other crimes....	{ 15 <	9	9	10	5	10 <	8	11	6	8
	{ 9 <	14	15	16	10	8 <	11	15	15	16
Sexual offences	{ 6 <	4 <	3	1	1	3	5 <	2	0	4 <
	{ 3 <	3 <	4	3	4	3 =	3 <	3	5	3 <
Burglary, &c.	{ 4 <	3	1	3	2 <	4 <	1	1	4	1
	{ 2 <	3 =	3	4	1 <	0 <	3	3	4 =	2
Arson, &c.	{ 5	2	5	6	2	3	2	8	2	3
	{ 4 <	8	8	9	5	5	5	9	6	11

The rule then (except in the cases of sexual offences and burglary, taken by themselves), is one of increase, but increase consistent with marked fluctuations from one triad to another.

But if we were to assume that this tendency to increase was due to the admission of the plea of insanity, and the encouragement to crime thence arising, we should have to admit that greater disparity shows itself in respect of the crime of arson, in which the fact of insanity being found at or after trial excites little public interest, than in respect of murder and the crimes allied to it, which, when the plea of insanity is set up, attract to themselves extreme publicity, and give rise to lively controversy. Nor ought we to overlook the fact that the figures in all the columns of Table XIV exhibit fluctuations scarcely consistent with the notion of encouragement acting either continuously, or renewed at short intervals, by cases provoking more or less discussion at every fresh session or assize.

I now proceed to display the facts relating to the crime of murder, and the plea of insanity, as set up at and after trial; and I will mark the years in which the cases that have most attracted public attention have occurred. This is done in Table D of the Appendix.

The figures in all the columns of this table show the same fluctuations, and the same tendency to increase, as was seen in former tables. By gathering together the groups of three years into larger groups of six and twelve, and making use of the corrected figures, we arrive at the numbers shown in the following table:—

TABLE XIII.

From 1836.						From 1838.													
33	14	17	32	38	28	30	38	30	22	19	20	24	36	32	31	37	21	38	2
47		49		66		68		52		39		60		63		58		63	
96				120				99				121							

The tendency to increase is sufficiently shown by the figures of this table. The assumed population of twenty millions yields an increasing number of insane murderers, the increase, when one group of twelve years is compared with another, amounting to about one-fifth. But that this increase is not dependent on encouragement afforded by the acquittal of insane homicides, is apparent on the very face of the table, in which I have placed opposite the years, 1843, 1845, 1855, and 1863, the names of McNaughten, Brixey, Buranelli, and Townley, as notorious cases that gave rise,

when they occurred, to an amount of controversy which must have carried the fact of their acquittal or condemnation into every household in which public affairs are heard or talked of.

Now those who think that to entertain the plea of insanity is to encourage the crime of murder, must suppose the encouragement to take effect on persons either of sound or of unsound mind: if of sound mind, it will show itself by the figures which record the trials for murder; if of unsound mind, by those which record the numbers found insane at or after trial. An increase in the figures for the year following some famous trial, would be evidence of encouragement; a decrease would indicate discouragement.

I will, therefore, present, in a tabular form, the figures for the year preceding the trials, those for the year of the trials (distinguished by *italic type*), and those for the three years following them. For the sake of brevity, I shall indicate the trials for murder (which will comprise both sane and insane criminals) by the letter A; those tried for murder, and acquitted on the ground of insanity, or found insane soon after their trial, by the letter B; and those tried for murder, and murderous assaults, &c., and found insane, by the letter C.

TABLE XVIII.

McNaughten, acquitted, March, 1843.....	{	A	67	<i>85</i>	75	65	68
		B	4	<i>7</i>	3	9	8
		C	15	<i>23</i>	19	17	26
Townley, sentence commuted, December, 1863	{	A	77	<i>83</i>	70	60	55
		B	17	<i>13</i>	9	11	8
		C	30	<i>27</i>	19	20	18
Buranelli, executed, April, 1855	{	A	62	<i>57</i>	82	70	66
		B	14	<i>7</i>	7	14	15
		C	26	<i>21</i>	29	30	29
Martha Brixey, acquitted, June, 1845.....	{	A	75	<i>65</i>	68	72	76
		B	3	<i>9</i>	8	10	5
		C	23	<i>19</i>	17	26	13

These figures, it will be seen, give no sort of support to the popular opinion that acquittals or commutations of the sentence of death on the ground of insanity afford encouragement to homicidal acts in the persons of the sane or the insane, while, on the contrary, sentence of death carried into effect would appear to act as a discouragement. Thus every figure in the cases of McNaughten and Townley, who were not hanged, speaks the language of discouragement, and two out of three in the case of Buranelli, who was executed, the language of encouragement, the third figure yielding an uncertain sound. Again, in the case of Martha Brixey, two figures out of three speak the language of discouragement, where

the opposite result would have been in accordance with the theory. Of the four cases there is not one that does not exhibit, for the year following the trial, figures in direct opposition to the popular theory respecting the victims of insanity; while in one only of the three (the case of Martha Brixey) is there any show of support to it as respects the whole body of criminals tried for murder and murderous assaults; and here the increase is only from 65 in the year of the trial, to 68 in the year following, with a slow increase in the two succeeding years.

As the four cases which I have just used as tests of the opinion that crime finds encouragement in the plea of insanity, were selected prior to any examination of the figures of Table D of the Appendix, I may fairly regard them as conclusive; for it is extremely improbable that by the selection and like treatment of cases which produced less public excitement, a contrary result would be arrived at.

At this point, then, I shall pause, and endeavour to express in few words the conclusions which this second part of my inquiry seems to warrant.

1. That the figures of the "Judicial Statistics," which show the numbers found insane among those brought to trial for all offences, would lead to a false inference that insanity had diminished among the population of criminals, if we did not take into account the operation of the Criminal Justice Act of 1855, which withdrew upwards of a third of our criminals from the sessions and assizes, and placed them under circumstances unfavourable to the development and recognition of insanity.

2. That after the separation of the large number of fraudulent offences affected by this Act of Parliament, the numbers found insane on or soon after trial for acts of violence, passion, and malice, show a tendency to increase at the slow rate of 3 cases in four years; but that this increase is subject to interruptions and fluctuations inconsistent with the idea of encouragement, either acting continuously or renewed year by year, by the events of the trials at sessions or assizes.

3. That the *interruptions* and *fluctuations* in question are quite as observable in the case of crimes which excite little public interest or discussion, as in the case of murders or murderous assaults.

4. That on testing the trials that have excited most public interest, and led to most discussion, by the figures which represent either insane homicides or sane murderers in the year or years immediately following, there are no signs of encouragement when the penalty of death is not inflicted, or of discouragement when it is.

5. That, on the contrary, the figures would seem to justify the inference that neither to the sane nor to the insane class among our criminals does the prospect of long imprisonment, or detention for life in a lunatic asylum, offer any attraction or temptation; while the punishment of death (perhaps only as formerly inflicted) seems as if it might have exercised a certain attraction or fascination.

But though, in the presence of such facts as those contained in Table XVIII, it is not possible to allege that the admission of the plea of insanity encourages crime, and this paper could scarcely be deemed incomplete if I were to stop at this point, I should be better satisfied if I could assign some reason or reasons for the fluctuations observable in the annual returns, and for the general tendency to increase which shows itself in them. Among the possible causes of *fluctuation*, I might mention political excitements (in the shape of elections, riots, and agitations) as creating, so to speak, an atmosphere favourable to the growth and development of insanity; wars, as removing to foreign parts men, at the criminal ages, who, had they remained at home, would have supplied a certain number of insane criminals; peace following war, and great exhibitions and concourses of people, as having the opposite effect; zymotic diseases as causes of nervous exhaustion and excitement; fluctuations in public opinion as influencing the minds of judges and juries, and the press.

Among the possible causes of a progressive increase in the number of insane criminals (such increase being itself interrupted by constant fluctuations), I would specify a steadily increasing knowledge among medical men of the signs and marks of mental unsoundness; an increasing activity on the part of those who are opposed to the punishment of death, in bringing cases under the notice of the Home Secretary; an ever-growing publicity given to crime by the public press; a greater and greater pressure put upon the energies of all the working members of society; an increase of efficiency in the police, both civil and rural. Of causes coming into operation at some particular point of the period under review, we have had a notable example in the Criminal Justice Act of 1855, at which period also the cheap newspaper press came into play; and the successive Acts of 1839, 1840, 1856, and 1859, establishing a rural police, or increasing its extent and efficiency, afford another illustration of the same class.

Though some of these causes of fluctuation and increase may be partially counteracted by influences acting in an opposite direction (as, perhaps, by education raising the imbecile above that point of ignorance and incapacity at which temptation is hardest to resist), still a balance of hostile agencies may be presumed to

exist, sufficient to account for the increase in the numbers of insane criminals.

If, now, we submit to a careful scrutiny Table D of the Appendix, which shows the numbers of insane homicides for every year from 1836 to 1867, and compare them with the leading political and other events which have excited and disturbed the public mind, and especially if we call to our aid the method of representation by curves, we shall see that the events in question do exercise a marked influence on the number of this class of offenders. I take the following cases as illustrations:—

1. In 1849, insane homicides rose from 5 in the previous year, to 16: and 1849 was a cholera year.

2. In 1854, another cholera year, there was a rise from 8 to 14.

3. In 1857, there was a rise from 7 to 14, and that was the year of the Indian Mutiny.

4. In 1862, the number rose from 8 to 17, and in that year the distress of the cotton famine coincided with the excitement of the International Exhibition.

5. In 1837, 1841, 1847, 1852, 1857, 1859, and 1865, there were parliamentary elections; and in five out of the seven years there was a greater or less increase in the number of insane homicides.

6. In the three years, ending 1862, there was a progressive rise from 5 to 17; and those years culminated in the cotton famine and the International Exhibition.

Lastly, the figures which record the fluctuations in acts of violence, passion, and malice, are found to reach their highest points in 1849, 1854, 1857, and 1862, years already pointed out as marked by incidents productive of public excitement and anxiety.

The general tendency to increase in the number of insane homicides (the last point demanding inquiry, as, possibly, indicating encouragement afforded by the admission of the plea of insanity in criminal cases) may be brought to the test of experiment, if we inquire what happens in the convict prisons, sealed, as they are, against all intelligence of trials that might excite the unsound minds existing among the prisoners.

Now, I am able to compare the number of convicts certified year by year in all the convict prisons during the seventeen years, 1851 to 1867, with the number of insane homicides in the same years. The result, which is very instructive, is shown in the table annexed; in which, as in many previous tables, two groupings of the facts are shown.

TABLE XIX.

	Homicides found Insane at or after Trial, per 20,000,000.		Convicts Certified as Insane, per 10,000.	
	1851 to 1866.	1852 to 1867.	1851 to 1866.	1852 to 1867.
1851....	6		25	
'52....	11 } 17	19	23 } 48	63
'53....	8 } 22	40	40 } 70	58 } 121
'54....	14 } 29	21	30 } 62	67 } 143
'55....	7 } 14	21	28 } 57	76
'56....	7 } 14	23	34 } 119	
'57....	14 } 29	44	33 } 57	
'58....	15 } 38	13	24 } 102	80
'59....	8 } 13	30	52 } 168	94 } 174
'60....	5 } 25	43	50 } 66	99 } 184
'61....	8 } 22	20	30 } 133	85
'62....	17 } 41	35	36 } 61	
'63....	13 } 19	15	58 } 194	
'64....	9 } 19	—	75 } 48	
'65....	11 } 19		24 } 37	
'66....	8 } 19		37 } 48	
'67....	7 } 19		48 } 48	
	82	84	237	264
	79	78	362	358

It will be observed that, during these seventeen years (being more than half of the whole period under review) the number of insane homicides, not only did not increase, but slightly diminished, being 82 in the eight years 1851-57 and 79 in the eight years 1859-66; 84 in the eight years, 1852-59, and 78 in the eight years, 1860-67. And yet, during this same period, the convicts certified as insane, out of a number assumed to remain constant at 10,000, increased by more than 50 per cent. And even when allowance is made for the circumstance that a few of the men and women certified from the convict prisons were found insane soon after trial, the fact still stands out in strong relief, that among convicts shut out from contact with the outer world, and from the influence of example, and of the sentences passed at sessions and assize, the certified insane largely increase in number, while those found insane at or soon after trial show, for the same period, a slight falling off.

The figures of this table, therefore, may be taken to prove, not only that insanity may increase, or seem to increase, among criminals shut out from all intercourse with the world, and ignorant of the issue of the plea of insanity when set up on behalf of offenders against the law, but also that other causes may be in operation, much more influential than any encouragement that the verdicts of juries may be supposed to afford. Now the causes which might be alleged as bringing about this increase of certified convicts are, some difference in the treatment of convicts tending to harass and

excite their minds; some special degeneracy of mind and body affecting this class of men and women; or, what I myself believe to be much more probable, increasing knowledge on the part of the certifiers themselves of what constitutes insanity, and increased readiness on the part of the superintendent medical officers of lunatic asylums to acquiesce in the certificates presented to them, and so to admit as inmates those whom their predecessors, or they themselves, at an earlier period, would have rejected.

Of the force of these elements of medical opinion in determining the number of convicts certified as insane, there is an illustration in the second division of the table which, on many accounts, is well deserving of attention. It will be seen that, during the eight years 1851 to 1858 inclusive, the numbers certified as insane from all the convict prisons ranged between a minimum of 23 per annum and a maximum of 40; whereas, in 1859, the numbers rose from 24 to 52, stood at 50 during the year following; never again fell below 24, and rose in the year 1854 to the unprecedented number of 75! So that, if we compare the first eight years of the series with the last, we have the 264 certificates of the first swollen to 358! Now, it was in June 1859 (the year in which the large number of 52 for the first time occurs), that I succeeded my lamented friend and predecessor, Dr. Baly, in the office which he had held for nineteen years; and it was in the spring of 1864 that the imbeciles from Dartmoor and other convict prisons were first brought into wards prepared for them at Millbank, and so submitted, in common with all new comers, to a closer observation, backed by certain facilities for certifying lunatics which do not exist at the other convict establishments.

It is now time that I bring this communication to a close. In doing so, I wish to offer my acknowledgments to Mr. Gover, our Assistant Secretary, for the help he has given me in collecting materials, part only of which I have been able to bring into use this evening; and to my friend (his brother), the senior surgeon of the prison at Millbank, for some returns of which I stood in need. The work which we have done will not be wasted if it bear no other fruit than that gathered this evening. It is no small matter to have shown by facts not to be disputed that we have at this moment within the walls of Millbank upwards of 200 convicts* so unsound in mind as to be deemed fit occupants of special wards, and yet not deemed quite fit for the lunatic asylum—men peculiarly addicted to crimes of passion, violence, and malice; ready instruments of mischief in the hands of the most desperate criminals;

* From a return with which I have been favoured by Mr. Gover, I find that there are now in Millbank 140 weak-minded, 63 epileptics, and 25 cases not easily defined by a single word or phrase.

most dangerous, destructive, and expensive members of society; the most obtrusive and deceptive of all our unreal signs and marks of over-population and an overstocked labour market (for hosts of these people, professing starvation and an inability to obtain work, keep continually moving from place to place, and so reproduce themselves before the eyes of a credulous public). It is something, too, to have proved—may I hope to the satisfaction of others as of myself?—that society needs no longer to look with suspicion and distrust on those who would give free scope to the admission of the plea of insanity in criminal cases. From these feelings, I trust that the truth, as I believe it to have been set forth in this paper, has for ever set us free.

The facts relating to our weak-minded criminals, as stated in the early part of this paper, seem to be specially worthy of attention. If carefully studied and taken to heart, as they ought to be, they would inevitably lead to great social and economical reforms.

If suitable provision were made for the imbecile members of the great mendicant-thief community by increasing the number and size of our lunatic asylums, the work of the poor law would be greatly simplified, and the cost of crime very largely diminished. Money enough might be saved in this way to defray the cost of a more efficient police both in town and country.

There is assuredly much in our present social condition that is eminently unreal. It is quite possible that the existence of a large body of imbeciles tramping from place to place may give rise, as has just been stated, to a deceptive appearance of over-population, to diseases of which they are the carriers, to crimes which, but for them, would exist to a very limited extent. The lunatic asylum is not only their proper place, but would be a truly economical substitute, in a large number of cases, for the workhouse, the hospital, and the prison.

. It will be seen that more than once in this paper, reference is made to illustrative curves. These were shown at the reading of the paper, but could not be conveniently inserted in the text. In the diagrams at p. 174, shaded blocks have been used instead of distinctive colours.

APPENDIX.

TABLE A.—*All Crimes.*

	Insane.	Insane per 20,000,000 of Population.	Ratio per 20,000,000, in Groups of				Three Years.
			Two Years.	Four Years.	Eight Years.	Sixteen Years.	
1836	31	42					
'37	26	34	76	} 148	}	}	118
'38	32	42	72				
'39	23	30		}	} 279	}	97
'40	25	32					
'41	28	35	67	} 131	}	}	109
'42	23	29	64				
'43	29	35		}	}	} 571	109
'44	37	45					
'45	31	37	82	} 162	}	}	117
'46	28	33	80				
'47	40	47		}	} 292	}	106
'48	26	30					
'49	29	33	63	} 130	}	}	97
'50	38	43	67				
'51	22	24		}	}	}	110
'52	30	33					
'53	36	40	73	} 150	}	}	100
'54	38	41	77				
'55	34	36		}	} 283	}	85
'56	31	33					
'57	35	36	69	} 133	}	}	100
'58	33	34	64				
'59	29	30		}	}	} 499	85
'60	24	24					
'61	24	24	48	} 117	}	}	88
'62	38	37	69				
'63	33	32		}	} 216	}	88
'64	27	26					
'65	31	30	56	} 99	}	}	
'66	23	22	43				
'67	23	21					
Average	30	33	—	—	—	—	—

TABLE D.—*Insane Homicides only.*

Year.	Cases.	Acquitted as Insane.	Found or Declared Insane.	Total.	Groups of Three Years.			
					Beginning		The same Corrected for Increase of Population.	
					1836.	1838.		
1836....	—	7	1	8				
'37....	—	5	3	8	25	—	33	—
'38....	—	7	2	9				
'39....	—	1	1	2	—	15	—	19
1840....	—	3	1	4	11	—	14	—
'41....	—	5	—	5				
'42....	—	3	1	4	—	16	—	20
'43 {	Daniel McNaughten, acquitted.....	6	1	7	14	—	17	—
'44....	—	1	2	3				
'45 {	Martha Brixey, ac- quitted.....	5	4	9	—	20	—	24
'46....	—	6	2	8	27	—	32	—
'47....	—	5	5	10				
'48....	—	5	—	5	—	31	—	36
'49....	—	12	4	16	33	—	38	—
1850....	—	5	7	12				
'51....	—	5	1	6	—	29	—	32
'52....	—	5	6	11	25	—	28	—
'53....	—	5	3	8				
'54....	—	11	3	14	—	29	—	31
'55 {	Luigi Buranelli, ex- ecuted.....	4	3	7	28	—	30	—
'56....	—	4	3	7				
'57....	—	9	5	14	—	36	—	37
'58....	—	11	4	15	37	—	38	—
'59....	—	5	3	8				
1860....	—	2	3	5	—	21	—	21
'61....	—	6	2	8	30	—	30	—
'62....	—	10	7	17				
'63 {	George Victor Town- ley, not executed }	7	6	13	—	39	—	38
'64....	—	8	1	9	23	—	22	—
'65....	—	10	1	11				
'66....	—	3	5	8	—	26	—	25
'67....	—	5	2	7				
	Average	6	3	9	—	—	—	—

