In concluding our remarks on the interesting labours of Hutchinson, Arnold, and others, it now only remains for us to thank these observers for the great amount of practical as well as scientific information they have afforded us, and to express the hope that, ere long, they may be enabled to remove the uncertainties which still hang around a few points of this important subject. So much has already been achieved, that we are sanguine in our anticipations of seeing the remaining difficulties solved by these philosophical inquirers.

George Harley.

REVIEW VI.

On Unsoundness of Mind, in its Medical and Legal Considerations.
By J. W. HUME WILLIAMS, M.D.—London, 1856. pp. 238.

THE human mind, whether in health or in disease, must ever form one of the most interesting and important subjects for meditation and inquiry which can occupy the attention of the physician. The study is necessarily difficult, and the more so because we can scarcely be said to have arrived at any *positive* knowledge on the subject; and if this is true as regards the mind in a healthy state, it is still more so in its diseased conditions—when, in fact, there is such a departure from its normal manifestations as constitute what we call mental unsoundness. Any contribution to our knowledge on a subject so perplexing deserves our thoughtful attention; and we cannot but express our conviction that Dr. Williams has rendered a great service to the profession and to society at large by the very able and lucid manner in which he has discussed this deeply-interesting question. We heartily hope that his book will be generally read, not only in our own, but in the legal profession, where the most mistaken views are adopted, and a degree of knowledge assumed which could only be the result of personal experience among the insane; and this we know falls to the lot of but very few except members of the medical profession. Our author says:

“Counsel acquire their ideas of soundness or unsoundness of mind as some do their notions of special affections, from nosological books which lay down their fixed descriptions of disease. Physicians may, on examination, admit the general truth of the one, and allow the accuracy of the other. Who is there, however, who has stood by the bedside of the sick, and seen the student of the closet, but has felt that the most important part of his knowledge was wanting, or the capability of applying the information he had acquired? The lawyer is this student of the closet! It would be quite as rational to expect that the jury, if guided by his opinion on the soundness or unsoundness of mind in a particular case, would place equal reliance on his advice respecting their individual states of health, from detailing to him certain symptoms, whose value as indications of various diseases, nosological works have with equal confidence laid down. This is a proposition, we are satisfied, to which few would assent; for in their own cases they would ignore the competency of counsel to estimate the practical application of a science which they feel satisfied must be studied in the great volume of nature, written in works, not words.” (p. 27.)

In considering the various degrees of departure from the standard of mental health, our author points out the importance of being properly informed as to the natural standard in the particular individual under

examination. It must ever be borne in mind that this standard is as variable as are the temperament, constitutions, and idiosyncrasies of individuals; and that if we would form correct judgments of their mental states, we must carefully ascertain what has been their natural standard of mental health, and then estimate the apparent departure from it as evidenced by conduct, ideas, and general bearing.

Reference is made to the notorious inconsistency of the law as propounded by the judges, who maintain that an offender is punishable, insane though he be, if it can only be shown that he knows right from wrong—a degree of intelligence undoubtedly possessed by a large majority of insane persons. While we fully concur in the principle that an insane person cannot properly be held responsible for acts committed under the influence of his malady, we yet feel bound to dissent from the doctrine advocated by our learned author, of absolute irresponsibility in every case of mental unsoundness. If insanity be a disease, surely it may differ in its intensity; and according to this differing intensity, it appears reasonable that we should estimate the amount of responsibility *quoad* crime. We do not pretend that the most acute and experienced observer can accurately define the precise mental condition of an individual with a view to fixing the amount of responsibility which may be properly attributed to him; and therefore we conceive that wherever *any* degree of mental unsoundness is proved, considerable allowance should be made for a certain other degree, which possibly is not susceptible of proof, but may nevertheless exist. But while fully recognising the principle that unsoundness of mind may properly be pleaded in extenuation of crime, we yet conceive that it is a dangerous doctrine to hold that any trifling amount of mental unsoundness is to be admitted as an excuse for any amount of crime. It argues nothing against the unity of the mental principle that it may suffer *partial* disturbance, and eventuate in partial irresponsibility. An absolute loss of control over the passions and actions of the individual appears by no means a necessary sequence of a minor degree of mental unsoundness. This power of control may surely be impaired without being lost; the mainspring may be weakened without being broken. An individual may be conscious of a morbid inclination to crime—morbid as something opposed to his natural disposition, and resulting from disease—which he may yet have the power to restrain, but which he may take no pains to check. Insomuch as we have reason to believe that he had the power to impose this restraint upon his inclination, and failed to do so, to that extent we hold that he was responsible; and while we readily admit the extreme difficulty of determining the degree of his helplessness, and would therefore make large allowance, we are not prepared to hold him entirely guiltless. We must not forget that society has its rights as well as individuals, and these are not lightly to be ignored in dealing with a class of offenders of all others the most dangerous, because presumed to enjoy an absolute immunity from punishment. Where there exists any degree of mental unsoundness, we fully concur in the views entertained by our author on the subject of capital punishment, and hold that such an exhibition would be a national disgrace; but we are by no means so satisfied that secondary punishments may not be very properly inflicted, if it were only to warn those who are

disposed to presume upon their eccentricities, which may even be assumed, to serve a purpose of revenge. It is impossible to say to what extent the wicked though pretended attempts on the life of the Queen might have been carried, if the absurdity of acquitting on the ground of insanity the vain and ignorant perpetrators of these atrocities had been persisted in. The notoriety, however infamous, was a distinction eagerly sought by such degraded beings, and constituted a powerful incentive to the crime. In some, at least, it is probable that there existed a degree of mental unsoundness, but the wisdom of treating them as criminals notwithstanding, cannot be questioned. The punishment cured the mania, the warning deterred others, and this class of criminals has ceased from among us.

The sentence of penal servitude for life in the recent case of Westron for the murder of Mr. Waugh, marks the commencement of a new era in our criminal legislation of the highest importance, and recognises a principle which we conceive to be both sound and politic. By such a course we cannot commit any serious amount of individual injustice; for while we give to society the protection which such a warning is calculated to afford, and which it unquestionably has a right to claim, we are yet in a position to transfer the offender to an asylum if his mental condition be found really to require such care and treatment.

We regret to find ourselves at issue with our author on this question of partial insanity, a subject, however, which may receive considerable elucidation by impartial and unprejudiced discussion. We therefore strongly advocate the attentive perusal of the work before us, with the conviction that it will amply repay the reader for the time bestowed upon it.

REVIEW VII.

1. *Actstykker angaaende Cholera*—navnlig, *Epidemien i Christiania i 1850.*

Documents relating to Cholera—viz., the Epidemic in Christiania in 1850.—Christiania, 1851. 12mo. pp. 128.

2. *Actstykker angaaende Cholera-Epidemien i Norge i 1853.*

Documents relating to the Cholera Epidemic in Norway in 1853.—Christiania, 1854. pp. 199, 106.

3. *Norsk Magazin for Lægevidenskaben. 1849.*

Norwegian Magazine for Medical Science. 1849.

Two years ago we drew the attention of the readers of this Journal to the important Report on Cholera in Sweden, drawn up by Professor Berg, of Stockholm. In the review of that Report, the bearing of the documents collected in Sweden on the great question of the contagion or non-contagion of this disease was prominently brought forward and discussed. We have now the opportunity of performing the like task in reference to the sister kingdom of Norway, a country which in many respects presents equal, if not greater, facilities for studying the mode of propagation of this malady. In proportion to its population, Norway has a more extensive seaboard, and a more lively commerce with foreign countries, and the question of contagion in reference to quarantine regulations is,