

the end of January last, when Dr Balfour was suddenly called to her. He found her extremely exhausted, and fainting from loss of blood, over which ergot and other remedies had no effect. On making a vaginal examination, the polypus, which he showed, was felt protruding through the os. He removed it by the *écraseur*, and since that time there had been no return of the menorrhagia. He had had occasion again to examine the patient, three weeks after, and felt the stalk of the polypus still unabsorbed. There was no history at any time of the expulsion of the polypus.

III. CASE OF SUDDEN DEATH TEN DAYS AFTER LABOUR.

Dr T. A. G. Balfour gave the following history of this case:—

The patient, 26 years of age, was confined of her second child. The labour was natural, and she did well for nine days. On the morning of the tenth day she was getting over the bed, when she seemed to faint, and suddenly died. She was extremely anæmic, and suffered from shortness of breath. At the post-mortem examination, the liver and heart were found to be fatty. This was the only cause of death that could be discovered. The wonder was that the death did not occur during the severe pains of labour.

Professor Simpson was inclined to regard the case as one of embolism. The history was exactly that of many cases which had been recorded, where a plug had been discovered in the pulmonary artery. The patient progresses favourably, till, upon some slight exertion, she suddenly falls back, dead. A plug in one of the large veins of the uterus gets disengaged, and is carried on by the current of the circulation till arrested in the pulmonary artery.

REPORT OF THE TRIAL OF GEORGE BRYCE FOR MURDER,

High Court of Justiciary, Edinburgh, 30th and 31st May 1864.

With REMARKS by HUGH COWAN, Advocate.

In this trial the defence of insanity, although urged with great ingenuity and earnestness, was disregarded by the jury, who, after a lengthened trial, returned a verdict of guilty, coupled with a recommendation to mercy on account of the low mental organization of the prisoner. The grounds upon which the plea of insanity was in this case rested appear to me to be of a very inconclusive nature. The medical witnesses for the defence both founded strongly upon the opinion they had formed that the prisoner was a person of low mental organization, and they based their opinion of his being at the time of the murder insane, upon the alleged delusion under which he was said to labour, that the person whom he murdered had at one time called him a drunken blackguard. Their opinion, they stated, was confirmed by the circumstance which they held to be proved that the prisoner had no recollection of his having done the deed. In regard to the first of these, it was well remarked by the Solicitor-General, in his speech to the jury, that it was just persons of low mental organization that would commit murder, and who required to be restrained from committing it by the fear of punishment. As to the second, the medical gentlemen were both obliged to admit that, if it were true that the unfortunate deceased had called the prisoner a drunken blackguard, there would cease to be any delusion in the matter. The evidence on this point was conflicting,—it rather appeared that she had not said so to the prisoner, but it clearly appeared that she entertained this opinion regarding him, and that she had good reason for it. But, even if she had never said so, it would be a most serious matter for society if any man who, with or without foundation, conceives that another has miscalled him, should be allowed with impunity to cut that other's throat, and then say he had an insane delusion that the other called him a drunken blackguard. It is an utter mistake to say that this is such a delusion entering into the act

as will excuse a crime. To exempt from the punishment of crime, the delusion must either be of such a nature that if it were not a delusion, but true, the man would be justified in acting as he is proved to have acted under the alleged delusion; or it must be of such a nature as radically to change the whole character of the surrounding circumstances. Examples of such delusion may be found in the cases of Moyatos and Arnot quoted below, where the man believed his own life to be in danger, or where a man believes himself to be a deity, or that it is a devil or a wild beast that he is attacking. Now, even admitting that Jeanie Seaton never called the prisoner a drunken blackguard, it was only a mistaken idea of the prisoner's that she did so. He was conscious in himself how deserved the appellation was, and it was this that made the unkind word rankle in his bosom. It was his unhappy hatred of this woman that wrought the change in the prisoner which was noticed ever after that 10th of March 1863 when he so behaved himself as to alienate the affections of Isabella Brown—Jeanie's neighbour. Rightly or wrongly, he took up the idea that Jeanie had something to do with this, and his heart conceived enmity against her. But it is only a man of a depraved and wicked moral nature, who could for so trifling an offence against him, if his idea in regard to her had been true, have conceived the deadly enmity and hatred which the prisoner did against Jeanie Seaton. No man whose mind is rightly constituted would have done the act committed by the prisoner. But what is it that makes the difference between a murderer and other men? Is it not just this, that while *he* allows the evil and wicked passions of his bad heart to obtain the mastery over him, and hurry him into crime, *they* learn to control these evil passions and to cast them from them as abhorrent to the better nature which God has planted within them. A good man, imbued with Christian virtue, learns so far to overcome these bad feelings as even to love his enemies, and do good to those who hate him. But there are multitudes of bad men in the world who would willingly gratify their hatred of others by committing murder if it were not for a wholesome dread of its punishment. There seems to be only this distinction between their case and that of Bryce, that he was not deterred from wreaking his vengeance on his poor victim by this fear. And it will hardly recommend the plea of insanity to the favourable consideration of the uninitiated, if the only practical difference which insanity makes upon a man is that it frees him from the dread of punishment. That insanity does not really do so is well known to those who are engaged in the practical management of asylums, the inmates of which are capable not only of being deterred from what is against the rules by the fear of punishment, but of being induced to do what is right by the hope of reward.

The alleged delusion in Bryce's case comes then only to be an explanation of the motive of the crime. It would be curious and interesting to take a survey of the murders during the past half century and see how many of them were actuated by similar hatreds taken up from equally absurd grounds. It has been said that there can be no adequate motive for murder, and in a certain sense this is true, for when the motive is adequate the act ceases to be a crime. We never can justify a murder, but we may often discover the motive which has impelled the murderer to his crime; and when a motive to the commission of the crime is discovered in a case of doubtful evidence, it has hitherto been supposed only to furnish an explanation of the crime, and to add one to the other links in the chain of evidence against the prisoner. It was reserved for the ingenuity of the prisoner's counsel in this case, to turn the discovery of

the actuating motive, where the evidence without it was clear and conclusive, into a proof of the murderer's insanity. The last circumstance founded on as showing the prisoner's insanity is his total want of recollection of the crime. The circumstances tending to show that this was pretended are forcibly pointed out in the speech of the Lord Justice-General. It is difficult to believe that a man who recollects the minutest circumstances up to the moment of the commission of a crime can be speaking the truth when he says that from that point his memory is a blank. More especially is this difficult in a case where the crime is said to be committed under a delusion entering into the act. The analogy of other cases leads us to expect that the gratification of vengeance for the supposed wrong would fix the act on the man's memory; and that it remained on this man's memory is shown by the answer which he made to the policeman who charged him with the murder—She's cheap of what she's got—an observation which shows a distinct recollection of the deed which he had done. It is understood also that before his execution Bryce confessed that, in the statement that he had no recollection whatever of the murder, he was not speaking the truth.

The plea of insanity in bar of trial has lately been stated in two cases—both trials for murder in the High Court of Justiciary. The one of these was the trial of Joannis Manolatos or Jean Moyatos, on 6th April last, for the murder, on board the British barque Pontiac, of Robert Campbell, a sailor on board the same ship with him. He was also accused of a murderous assault on another sailor named George Williams. From the evidence it appeared that the prisoner laboured under the following insane delusion:—He had sailed from Liverpool in a vessel called the Atahualpa to Valparaiso, where it was wrecked. Shipping on board the Pontiac he sailed to Callao, where Campbell and Williams were shipped, and the Pontiac sailed for Liverpool. The delusion under which the prisoner laboured was that Campbell and Williams were hired by the captain of the Atahualpa to throw him overboard. Being possessed with this idea, which was proved to have no foundation in fact, he attacked the two sailors with his knife, causing the death of one, and seriously injuring the other. The other trial was that of Thomas Arnot, on 6th June last, for the murder of David Paton, a little boy, on the Stirling road, near Alloa. The prisoner was proved to be labouring under various delusions, the principal of which was that he was the subject of unremitting persecution on the part of the Free Church, and that the boy, whom he had never seen before, and against whom he had no enmity, was an emissary of the church—that he felt himself impelled to strike an unexpected blow against his enemies, and so killed the boy as a part of the general system. In this case the Lord Justice-General intimated that the Court had no difficulty in holding the insanity proved. Now, in both of these cases there was delusion entering into the act charged. In the one there was a delusion which might be said to justify the act of the prisoner. He was in bodily fear. His life was in danger, and he acted in self-defence. In the other there was a pervading delusion of such a nature as altered the whole circumstances about him so thoroughly that it is impossible for a sane man to imagine under what delusive idea at the moment the man acted. Both cases afford an instructive contrast to the case of Bryce, showing what the delusions are which the law regards as proof of insanity.

The prisoner George Bryce was placed at the bar charged with the crime of murder, in so far as on Saturday the 16th day of April 1864, within the house or villa, near the village of Ratho, occupied by Robert Tod, mill-master and

grain-merchant, he did, wickedly and feloniously, attack and assault Jane Watt or Jane Seaton, now deceased, then a servant of the said Robert Tod, and did violently take hold of her and force her down, and get above her, and press upon her, and seize her by the throat, and did kick her, and otherwise maltreat and abuse her; and the said Jane Watt or Jane Seaton having fled from him, he did pursue her, and having overtaken her at a short distance from the foresaid house or villa, and near an old building called the Old Distillery, he did there wickedly and feloniously attack and assault the said Jane Watt or Jane Seaton, and did throw or knock her down, and did with a razor, or other sharp instrument, cut and wound her severely on or near the neck, by all which the said Jane Watt or Jane Seaton was mortally wounded and injured, and in consequence immediately or soon thereafter died, and was thus murdered by him.

The counsel for the Crown were the Solicitor-General (Young) and Mr Adam Gifford, advocate-depute; the counsel for the prisoner were Messrs Patrick Fraser and Charles Scott, advocates.

On the motion of the counsel for the prisoner, and of consent of the Crown, the medical witnesses were allowed to remain in Court to hear the evidence adduced as to the facts of the case. The pannel pled generally not guilty, and specially that at the time when the alleged crime was committed he was insane and labouring under insane delusions.

The general evidence led in support of the charge established the following circumstances:—On Friday night, the 15th of April, the prisoner, who had not slept at home the night before, was put to bed by his father, being overcome either with drink or sleep.¹ He rose about six on Saturday morning, and loitered about the yard at his father's house, which is in the village of Ratho, for nearly an hour.¹ Leaving that about seven he crossed the bridge over the canal, going along the road past the villa occupied by Mr Tod.² To his uncle, who met him on the road, and asked where he was going, he replied, "To the station," the road being that which led to the railway station. He said to a baker's boy, whom he passed on the road, after passing Mr Tod's gate, "Fine morning, batchie."³ Leaping the wall of the villa he accosted Isabella Brown, who was at the back door, asking her where was Jeanie.⁴ Getting no answer he went in at the back door and found his way to the nursery, where he found the deceased and immediately attacked her, throwing her down and struggling with her.⁵ She was rescued by her mistress, who called to her to run away. She did so but the prisoner followed, leaping the wall which separated the villa from the road, and having overtaken her he again threw her down, placing his knees upon her breast, and with a razor, which he had, cut her throat.⁶ The deceased was carried into a neighbouring house and laid on a mattress on the floor. The wound in her throat was bleeding dreadfully, but she asked for a drink of water; but, when it was brought, she was unable to drink it, and she never spoke again, dying almost immediately.⁷ The prisoner, on leaving the deceased, endeavoured to make his escape, but was followed

¹ John Bryce, his father.

² John Weston, his uncle.

³ Adam Lawrie.

⁴ Isabella Brown.

⁵ Isabella Brown, Mrs Tod, Catherine Binnie, and Margaret Gibson.

⁶ John Young, Mrs Henderson, Mrs Binnie.

⁷ The wound is thus described in the medical report prepared by Dr Littlejohn and Dr Craig:—There was a deep gash on the left side of the neck, about its middle, of an elliptical shape, measuring fully five inches in length; its greatest breadth was two inches; and its depth was, at its maximum, three inches, but both behind and in front it became superficial. . . . There was an aperture, fully an inch long, in the external jugular vein. . . . Both sides of the neck were carefully dissected, when it was ascertained that the jugular vein was the only important vessel wounded, and that the carotid of the left side, and the œsophagus, and the trachea had escaped injury.

and secured. In the course of the chase he twice threatened to take his own life with the razor, and he tried to use it against those who followed him. When apprehended he was told that he had cut a woman's neck, to which he replied, She's cheap of what she's got; adding, that he would rather go to Edinburgh than Ratho, as he did not like to pass his father's house, and among the people of his acquaintance. In his judicial declaration, emitted a few hours after the murder, the prisoner stated that he remembered going to Mr Tod's house that morning, but that he did not recollect of seeing any person at the house except Isabella Brown; that he had no recollection of seeing Jane Seaton, or of doing anything to her. He recognised his cap, which he had left in the nursery, when shown him, and also his razor; but denied having had the razor with him when he went to Mr Tod's house.¹

The only question involved in the case was in regard to the prisoner's sanity. The following is a full note of those parts of the evidence of each witness which bore upon this question:—

Mrs Tod.—I never saw the prisoner do anything or heard him say anything that led me to suppose he was insane. *Cross-examined by Mr Fraser.*—I have never had any lengthened conversation with the prisoner. I have often met him on the road, and almost always nodded to him. He always returned my nod. I could not say whether he was a shy man or a sulky man. I formed the impression that he was either the one or the other from his look and demeanour. He was always very obliging and was very quiet. About a year ago I spoke to Jeanie Seaton about a notion he had got that she had called him a drunken blackguard. I said, it seems George Bryce is very angry at you for having said he drinks; you needn't be afraid, for if he says an ill word to you, you have only to tell me, and Mr Tod will put a stop to that. She gave a little smile and said, The strange thing is that I never said such a thing. When he gazed at me when I had hold of his wrist I cannot say he recognised me. He had a bold, brutal look.

John Young, ploughman, and *Mrs Henderson*, both of whom had known the prisoner, deponed, That they had never seen or heard him do or say anything which led them to regard him as insane or different from other people.

James Mackay, constable, in *cross-examination*,—Prisoner used to be riotous at his father's house sometimes, but only riotous so far as I knew. After some of these scenes in his father's house he used to say when he was sober that he had no recollection of what had taken place. It appeared to me that there was a sort of a "want" about him. *To the Lord Justice-General.*—He appeared to be sort of silly, easily advised and easily led away. He was easily led to go and drink with comrades. I never saw him doing anything *outré* when he was sober.

Robert Davidson, blacksmith.—I am about the same age as the prisoner, and was at school with him. I was pretty intimate with him, both at school and since. I never saw or heard of anything in his conduct that would have led me to suppose that he was insane, nor was there any such notion about the place.

Dr James Craig, Ratho.—I have known the prisoner all his life. I frequently saw him going about doing his work; but I was not aware, till the month of October last, that he was addicted to drink. I then saw him in the police-office, where he was violent. I never saw anything in his conduct to lead me to suppose that he was wrong in his mind, or I would have considered it my duty to inform his father and the authorities concerning it. At that time his father called upon me regarding his son's habits, and the difficulty he had in managing him when he was the worse of drink. When I saw him in the police-office last October he was perfectly rational. I gave him advice about refraining from drink. After that occasion I saw him going about as

¹ It is understood that before his execution the prisoner confessed that he had carried the razor with him for a fortnight, with the view of committing the murder; that, having failed to find an opportunity at night, he had gone when he knew Mr Tod was from home; and that he was quite aware of having committed the murder on that morning.

usual, and I never was consulted professionally since then. I have never seen anything about him that would lead me to doubt his sanity. In the evidence to-day I have heard nothing that would lead me to believe he was insane.

Cross-examined.—I have spoken to the accused only twice. In October, when I saw him in the police-office, he was perfectly sober, although somewhat flushed. He said he did not recollect anything that had taken place in his father's house, and I told him generally what had taken place. After I had spoken to him of the danger he ran by drinking, and when I spoke of his mother, he began to cry. I saw him next morning in the police-office, when he still denied all recollection of what he had done when in drink. I could not, however, reconcile myself that he was telling truth. After his apprehension I again saw him in the police-office, when he again exhibited a defect of memory. I asked him what he had been about that morning, but he gave me no answer. I asked him if he had been at Mr Tod's, but he denied having been there. He likewise denied having that morning seen either Mrs Tod or Jane Seaton. I believed that he was not then aware of her death. I then asked him if he recollected when he had last seen me, when he answered "Yesterday." At that time I had forgot that I had seen him on the previous day, but this brought to my recollection that I had passed him while driving along the road. I then asked if he remembered the advices I had given him in October last, and he said he did. I also asked him why he did not follow them, but he gave no answer. I then asked him where he had been all morning, and he told me he had been in the plantation. His answers were quite rational, and my questions were with the view of satisfying myself as to his state of mind.

Re-examined.—I perfectly satisfied myself that he was quite sober, and quite intelligible. I knew Jane Seaton perfectly well.

Dr Littlejohn, police surgeon.—I saw the prisoner on the day of the murder. He was quite sober and rational. I asked him if he was aware that to kill another was a crime. He said he was. I also asked him if he knew people were punished for so doing, and he nodded acquiescence. My object in putting these questions was to satisfy the Sheriff as to the state of the prisoner's mind before he was examined. I was satisfied that he was in his sound and sober senses. In the evidence to-day I have heard nothing stated which leads me to believe otherwise.

Cross-examined.—I never saw him before that day, and I have not seen him since. My conclusion as to his soundness of mind was from the answers he gave to the questions put to him, and from watching his demeanour.

William Binnie, jun., joiner, Ratho.—Between seven and eight on the morning on which Jane Seaton was killed, I saw the prisoner near the canal bridge. He asked me about a house we were erecting in Dr Fowler's garden, and I gave him the desired information. He appeared to be quite sober and rational. I parted with him to the north side of the bridge, and he went in the direction of Mr Tod's villa. I heard of the murder about ten or fifteen minutes afterwards, when I went to my father's house, and I saw the dead body. I was present when the prisoner was brought in to see the body. I was at school with the prisoner, and have known him ever since. There was nothing in his conduct when at school, or since, that led me to believe that he was insane. Such a thought never occurred to me. On the Saturday morning of the murder he had on his light shoes, and did not seem as if he was going to work.

Cross-examined by Mr Scott.—When we told him it was a photographic house we were erecting at Dr Fowler's, he smiled. He was a man who seldom spoke much.

The following witnesses were examined for the defence:—

James Wight, formerly constable in the Edinburgh Police at Ratho, and now market officer in Leith.—While at Ratho I knew the prisoner well. I had occasion to notice his state of mind on various occasions, and my opinion is that he had a "want." It showed itself when I said, "It's a fine morning," when he would reply, "You're a funny ane." If you asked him a question, he would go on with a few words, and then go off into another subject, as if forgetting what he had been talking about. His talk was rambling, and in the

course of one conversation he would refer to many subjects. On one occasion, in the back end of 1857, there were two of the late Lord Morton's footmen and a gamekeeper along with him, when one or other tapped him gently on the shoulder, and said he was wrong in some particular statement. Bryce then drew a clasp-knife from his pocket, and said he would stab any man who said he was wrong. Before that they had all been laughing. When he had the knife in his hand he seemed to be very wild. I went between the prisoner and the footmen, ordered him to give the knife to me, and took him home. He went home quite peaceably. I went with him to his father's house, when he went to bed without speaking to any one, although his father and mother were in the kitchen. He was perfectly sober. I told his father that if he did not keep a watch over him he would do something that he would repent of. I did not then suggest that he should be taken charge of. I saw the prisoner next day, and asked him what he meant by drawing a knife to stab anybody. He denied all knowledge of it, and said I was "shamming with him," and "funning with him." He was sober. At that time I thought he was "shamming" with me—that he was pretending not to remember. After that I asked several people about him, and they said he was thoughtless, and did not mind what he did. I remember one occasion since then having been in his father's house, when his father was ordering him out of the house, for something he had done. I left along with him. Two days afterwards, when I was passing, his father and mother asked me if I had seen or heard anything of him, as they had no intelligence of him since he left. I said I had not seen him. We then searched the straw and hay in the stable, and after turning it over for some time we found the prisoner lying under it, nearly exhausted. When lifted up he said he was only taking a rest to himself. At his side a knife was picked up. On being asked by a man named Clark what he was going to do with the knife, he said he was going to cut his throat with it. He then got some food, was taken into the house, and put to bed. Very frequently he wandered away from home for days. On these occasions his father and mother came and asked me about him. He was absent once about nine days. I once saw him walking to and fro in Norton Wood, when I asked him what he was doing there. He said he was "taking a walk to himself." I asked him to go home to his father's with me, which he did. He looked worn-out and fatigued, but was sober. I never saw him much the worse of drink. In driving his horse and cart along the road, if anybody spoke to him he would allow them to go away along the road by themselves. I have on several occasions heard him speaking to himself, but I never could make out distinctly what he said. When ordered by either his father or me to do anything, he would do it at once. When stationed at Portobello, in 1861, I met Bryce. Before that, I received a letter from his father, stating that he had been absent, and asking me, if I saw him, to send him home. I also got a message from his father, through the drayman, with a similar request. I met Bryce after that, on the street in Portobello. He came from the direction of Musselburgh, and seemed fatigued with travelling. I asked him where he had been, and he replied he had been taking a walk. I took him to my house, and gave him dinner, which he ate ravenously. I afterwards took him to Edinburgh, and saw him off with the Ratho coach. On that occasion he never referred to his absence from home. I have heard the boys in Ratho say of him, "Here comes daft Geordie Bryce." When asked by the young lads of the village to "stand treat," he would take them into a public-house, and spend all his money with them.

On *cross-examination*, the witness admitted that he had left the Edinburgh Police to avoid being dismissed; that, having afterwards got into the Police force at Leith, he had been dismissed for giving prisoners drink on their way to gaol; that, when stationed at Ratho, he frequently dropped into the prisoner's father's house, in passing, which was a public-house; and that when the prisoner had left their house, and he went to look for him, at the mother's request, it was usually in a public-house that he found him.

James Meikle, station-master, Gogar.—I have known the prisoner for eight years. He often came about the station, on business for his father. I had

occasion frequently to converse with him. He appeared to have an impediment in his speech. He did not enter much into conversation. I have seen him come into the station, look about him, and leave without speaking. On other occasions I have seen him come into the station in a fighting attitude—squaring with his fists. I have seen him come forward, and pull me by the whiskers, and say, "Come along with me; you are my prisoner; what's this you've been about, sir?" and so on. At times I humoured him; at other times I could not afford to be bothered with him; and sometimes I had to push him away. On these occasions he went away laughing, and looked half-witted. He often saluted me in military style, and asked me, "How are you to-day, Colonel Meikle?" He generally addressed me as "Colonel" or "Sergeant." He often asked for my wife, although he knew perfectly well that I was not married. He often looked unable to find words to express his thoughts. I would have trusted him with nothing about the railway or the station. I would not have trusted him with the management of the points. I gave an express order that he should not be allowed to meddle with them. I would far sooner have trusted a child of ten years of age. I always considered the prisoner "half daft." In going about the streets, his mouth was usually open. I have seen him on the road, about a hundred yards behind his cart, with his arms crossed, gazing into the air; and I have come up to within a foot of him before he observed me. I always found his memory very defective. I always found that he neglected to execute the orders I gave him for coals. He was a man of good temper, civil, and obliging. I never saw him under the influence of drink. There is a weighing-box at the station, and when I wanted the prisoner I had only to go there, and I was sure to find him stretched upon a form—even when there were men about the station with whom he could converse. *Cross-examined.*—I do not think that silliness was shown only by him calling me colonel or sergeant. I thought he made himself too familiar with me, when, knowing that I was unmarried, he asked kindly for my wife, and pulled my whiskers. There were other features in his behaviour that convinced me he was not altogether sane—such as sending his horse and cart round the road by the passenger station—a distance of 800 or 900 yards (the only way by which they could leave the station)—while he himself went along the railway line, for a near cut.

John Bryce, father of the prisoner.—The prisoner is one of a family of fourteen. From his youngest time he was always different from the others. He made very little progress at school, and I took him away from it. His peculiarity increased as time went on, but more so within the past few years. I noticed a change for the worse upon him about ten years ago, when he joined the militia. He was enlisted for five years; and was absent from home at first for about a year and a-half, and then occasionally for a few weeks at a time. I set him to drive my carts. He was sometimes at the farm, but very seldom. I never tried him at anything else. He was very easily affected by drink; two glasses of whisky would have put him mad. When he got the length of three or four glasses, he generally fell asleep. After this change for the worse came over him, he continued as before to wander away from home. He was away often for a week or a fortnight at a time. Sometimes I knew he had no money. He never told me where he had been; but I often heard from people who had seen him wandering about. On these occasions, when he returned he looked as if he had had many a hungry belly. On Sundays the family took their meals together in the parlour, but the prisoner preferred to eat by himself in a corner of the kitchen. About three years ago he appeared to be more peculiar. He became very restless, both night and day. At that time he began to drink a good deal; but a change came over him about a twelvemonth ago. Since then I think he has been drinking less, and he has fallen off in his body. I have often heard him muttering to himself. In October last he had a fit of drinking, and became very outrageous. I required to get him handcuffed. I asked the policeman to take him to the station-house, for safety. When his hands were shackled, he went to the room, and lifted a razor. It was taken from him. I went for Dr Craig, and asked him to go and see the

prisoner, because I thought there was something wrong with his mind. I have known him leave his horse and cart standing at Ratho Station, and go away, without returning, for several days. The horse and cart were taken to the quarry. I remember of his putting on his black clothes on a Sunday. About three years ago I went with my son-in-law to the stable. My daughter, Mrs Wilson, told me that George had told her he was to do something to himself; that in ten minutes he would be in eternity. The stable-door was locked. I assisted Wilson in by the hay-loft, and he opened the door to me. I saw a rope in Wilson's hand. We brought away the prisoner, took him home, but he would not rest, and we tied him to his bed. On one occasion he wished to get into a room for his clothes, to go to Edinburgh, but his mother prevented him getting them, by locking the door. He attempted to jump out by the window, but I seized him and pulled him back. For the past twelve months his brother William has slept with the prisoner. He was very unwilling to do so. On the Wednesday night before Jeanie Seaton was killed, the prisoner did not sleep in my house. On the Thursday morning I found him lying among some straw in the byre. He did not sleep in my house on the Thursday night; but came out of the byre on the Friday morning. He went to his work between six and seven on Friday morning. I had been from home on the Friday, but came home between six and seven, and found the prisoner sitting in the front room. I could not say whether he was sober. He went to bed between seven and eight o'clock. I rose at two o'clock, and went into his bedroom. He was lying with his head towards the foot of the bed. I rose again at five o'clock, and he was then lying properly. His brother, William, got up at five, and the prisoner about six o'clock. I saw the prisoner after he rose, but he said nothing. I did not see him leave the house. Afterwards a girl, named Isabella Brown, came for me to the house. My wife's maiden name is Agnes Fraser; her mother's name was Catherine Nimmo. She had a brother named John Nimmo, whom I knew. He was not right in his mind. This John Nimmo's mother's brother's son was a minister, and went to America. John Nimmo's mother had another brother, who was not right in his mind.

Mrs Bryce, the mother of the prisoner, deponed to much the same effect.

Mrs Wilson, examined by *Mr Fraser*, deponed—I am a sister of the prisoner. I remember about three years ago of the prisoner coming into my house in Ratho on Saturday evening. He sat for about half an hour, and when he rose up to go away, he said that in less than half an hour he would be in eternity. He then went away, and I went and told my father and mother what he had said. I told my husband before going to my father, and he went away to my father's after I came back.

William Wilson, porter, Ratho Station, deponed—I remember on a Saturday night, about three years ago, my wife told me her brother had been at my house, and said that she was to look for his corpse in half an hour after that. I went down to the stable below my house. I found the door locked, and I went in through a hole above the door. I found George Bryce with a rope round his neck. It was tied to a beam. I took the rope off his neck, and went for his father, and we took him out by the hole by which I had entered. We could not get the key. He was in the loft above the stable, and the rope was tied to the beam and round his neck. It was just above the hatch-hole. The rope had a running noose upon it. I recollect, about two years ago, of his lying two days among hay in the stable-loft. I went to him several times, and asked him to come into the house. He returned me no answer. He got no food that I knew of during these two days. *Cross-examined by the Solicitor-General.*—I went to the stable because I heard him lock the door. Did it not sound strange to you that he should tell you to come and look for his body in half an hour? Yes. It did not look much like an intention to take away his life? I don't know. You never heard of a suicide giving people notice to come and look for his body in half an hour? No. When you went to seek him you found him on his legs? Yes. He was the worse of drink, but not much. I don't think he had become much addicted to drink by that time. He got worse afterwards. He was very violent when he got drink.

I always noticed him weak in the mind a little. If you put a question to him, you never got a right answer from him.

James Dickson, pointsman, Ratho Station, deponed—I know the prisoner. I was at school with him, and have known him all his life. I thought he was deficient in mind. I remember on one occasion that he turned his horse and cart right round in the way, when an engine was shunting trucks. He was deficient in memory. His mind appeared to wander. That condition of mind has grown worse since June 1863. He did not seem to be so tidy about himself. He seemed to become more silent. Before that we often walked together, but since that rather seldom. He rather shunned my company since that. *Cross-examined by the Solicitor-General.*—I have seen him send his horse away from the station, and did not follow it himself. This was about the “daftest” like thing I ever knew him do. He made very many mistakes. Interrogated, Will you tell us one? I gave orders to send my trunk to the station, and it never came. Who did you tell? Somebody connected with the house. Did you speak to the prisoner about it? Yes, afterwards. Let us know the biggest mistakes he ever made? He quarrelled with his father about putting the horse’s bit in its mouth, and although he was wrong he would not admit it. Will you give us an instance of how he answered one question by referring to another? I cannot exactly do that.

Professor Laycock, examined by *Mr Fraser.*—I am Professor of the Practice of Medicine in the University of Edinburgh. I have examined the prisoner twice in prison—on Wednesday last and yesterday. I subjected him on both occasions to minute examinations on a variety of subjects, with a view to ascertain his mental condition. He has a low type of physical organization. By the form of the head, the face, the jaws, and the mode of articulation, I am able to tell this. He has a small head, a receding forehead, and superciliary ridges. His articulation is thick and indistinct, which is often the case among persons of low organization. I have heard the evidence given to-day, and I have examined him, and I do not consider him to be in his sound senses. I do not think that, on the morning of the murder, he was in his sound senses. [*By the Court.*—Does that depend on whether he committed the deed or not? No.] I think at the time he was suffering from maniacal excitement. That fit might come on suddenly and go off suddenly. This is not uncommon in homicidal mania. It is one of the characteristics of the fit that, after a person comes out of it, he does not remember what he has done. The prisoner might, at a subsequent period of the same day on which he committed the deed, appear to ordinary observers as quite rational. My conclusion is adduced from the fact brought before the Court, that for some years back he has been in a morbid state, and I conclude that about twelve months ago he began to suffer a further change of a morbid kind, which we term chronic dementia, and which in similar cases has been observed to pass into complete dementia. The suddenness of the attack without any apparent immediate exciting cause also led me to the conclusion to which I have come. The fact that the symptoms detailed by the different witnesses indicated that he is of a class to suffer that kind of madness. The conduct of the man during and after also led me to the same conclusion, as these cases of homicidal excitement are characterized by the reckless fury which I found exhibited here. After the deed is done, the patient has no recollection of it. I think any person in that morbid condition would be more excited after he had received the blows on the head from the umbrella. Homicidal and suicidal mania are very often combined in the same person. When I saw the prisoner yesterday, he did not remember that he had seen me on Wednesday. He did not, I think, pretend he was insane in prison. I believe he was suffering yesterday from disease of the brain, which impaired his memory; and I was quite sure he was not feigning. It is usually held that a person in whose relations insanity has appeared, is more prone to the disease than one among whose relations it has not appeared. A very eminent authority on the subject of insanity says that it is more readily transmitted by a female than a male relation; but I will not give an opinion on such a difficult subject. *Cross-examined by the Solicitor-General.*—I assume the fit came upon

the prisoner after he had left his father's house that morning. I assume that he jumped over the wall and attacked Jeanie. I assume the fit must have passed off some time between the commission of the deed and when he first saw Richardson. Assuming that he was running for an hour and a-half, was the fit on him then? I am unable to give an opinion. What is the cause of your inability to give it? I know of no case similar. Although he had run for an hour and a-half, I would still think that the fit had gone off about the time Davidson first saw him. My opinion is, that after he was informed that he had killed Jeanie, he ran away. I account for his running away through fear, apprehension, delusion. I assume there was a delusion on his mind, and that he was, when the deed was committed, ignorant of having done it. I think the attack on the girl had to do with his previous enmity, but I do not think the attack was to gratify the enmity he had against her. He did not know what he was doing. Is it your opinion that he knew who she was when he was attacking her? I have no opinion on that subject. I have no medical opinion to the effect that he did not know what he was doing. I do not assume that he knew whether what he was doing was right or wrong. I think he did not know what he was doing. On previous occasions, when excited, he said he did not know what he had done. In the whole history of the case, so far as I have heard it, I think his delusion was that he thought Jeanie called him a drunken fellow. I have heard of such delusions. I have frequently known cases of insanity with no greater delusion than this. If that was no delusion, then there was no delusion in the case at all. He had a delusion, for instance, that his father's horses were his own. I think he showed that he was an imbecile in memory and in judgment. He had in some cases no memory at all. What do you mean? Can you give us an instance? I must appeal to the Court. I have been here since ten o'clock this morning, and I must say that I am perfectly exhausted. Without referring to the notes which are in the hands of the advocates, it is impossible for me to give the instances desired, for I took no notes. From the opinion I have formed of him he was a man liable to brood over a real or supposed wrong. That brooding, and the enmity it would excite, might induce a fit of maniacal excitement, and a desire to cut his enemy's throat. *Re-examined by Mr Fraser.*—The prisoner had a tendency to this fit of maniacal excitement before he went to Mr Tod's villa on the Saturday morning. His sleeping in the byre on Thursday evening indicates, I think, a morbid condition. In forming my opinion to that effect, I have taken into account all the facts that I have heard proved. It not unfrequently happens that people in that condition run away and hide themselves. A man may be a lunatic while ordinary observers think him sane enough—that is very common. It is often very difficult for experienced men to discover that a man is a lunatic. *Re-cross-examined by the Solicitor-General.*—If a lunatic is unconscious of what he has done, even although that should be wrong, will he attempt to escape? No; he has no reason to escape in that case. And if a lunatic does what he thinks is quite right, will he still try to make his escape? Did you ever know of such a case? I cannot tax my memory at the present moment. You must remember I have been here for fifteen hours. *By the Court.*—Is it a common thing for a person with suicidal mania to announce beforehand his intention to kill himself? That is very often the case. There are certain persons who commit suicide to punish those that offend them; and where the affections are wounded that has very often been the case. Do you think that in the case before us there is anything of that kind? I think so. The announcing of his intention was an indication of a weak mind. Do you consider that the prisoner is insane now? I think so. He is labouring under insanity—a form of chronic dementia which will go on increasing; and I consider the disease incurable.

Dr Robert Ritchie, who, being examined by Mr Fraser, deponed,—I was formerly resident medical officer at Bethnal House Medical Asylum at London. I was there for three years and seven months. I had on an average about 300 patients in that institution. I left it in March 1861, to commence practising in Edinburgh. I am now physician to the Royal Dispensary, and extra-physician

to the Sick Children's Hospital at Edinburgh. I have examined the prisoner with the view of examining his state of mind. I saw him three times in jail. I saw him first on the 18th May, then on 23d May, and then on 25th May. I have also seen him this morning. I have also heard the evidence that was adduced yesterday. I would call the prisoner a man of low mental organization. In my interviews with the prisoner I subjected him to a long examination. I took him over his whole life so far as I could ascertain from his description of it. I commenced at his early days, and tried to trace what facts in his life had made the chief impression on his mind. He gave me to understand that it was his belief that he was sane. [*By the Court.*—I put the question. But when I asked whether, when he threatened to commit suicide, he considered he was sane, he replied that he did not know whether he was then sane or not.] I could not have come to the conclusion that he was decidedly insane merely from examining himself with reference to the evidence. I was particularly struck in the evidence yesterday by the fact that he appeared to have become decidedly worse about three years ago; and that a further change had occurred about one year ago. The change that occurred one year ago was an evidence to my mind of delusion. His bodily health apparently became worse about a year ago, from the evidence yesterday. One great evidence of that was his sleeplessness; and I think also his mother stated that he had evidently become feebler, and there was also an increased restlessness. There seemed to be a change to the worse. As far as the cerebral state seemed to be indicated, there seemed to be a change to a melancholy condition, with a tendency to commit suicide. These symptoms, occurring in the order they did in this case, I regard as indicative of cerebral disease. I have had occasion to notice this frequently in the patients under my own charge. I would regard the sleeplessness as an incipient stage of insanity, though it does occur in all stages. Suicidal mania and homicidal mania are very frequently combined. I would expect the man having a tendency to commit suicide as likely to have a tendency to commit homicide in many cases, but I would not say that it is so in every case. Do the insane who are under homicidal mania frequently show great skill and cunning wherewith to effect the death of some person they hate, and patiently wait for an opportunity of effecting their purpose? They do. Is it also common, after an insane person has committed homicide, to make an attempt to escape from punishment? I cannot answer that from my own experience; but it is not uncommon for a lunatic who has done an act to try to escape punishment for that act. I cannot recall an instance of a lunatic who has done an act, or who has been told he has done it, attempting to escape from punishment. It is very common for lunatics to suppose that they have been slandered by people. It is a fact that medical men often cannot discover insanity by an examination of a man himself without reference to his past life. Assuming that the prisoner committed the act with which he is charged, I do not consider that he was of sound mind when he did so. In my opinion, he was in a state of maniacal paroxysm when he committed that deed. He had a tendency to that, I think, before he left his father's house. I think that when he passed the gate the sight of the place probably brought the girl to his remembrance, and that brought on the paroxysm. After such maniacal paroxysms are over, it is common for the person who has been under them to have no recollection of what he did when under them. From the evidence given by his mother as to his state in October 1863, when he was strapped down, I have no doubt that he was then under a paroxysm. I would have recommended then, had I been called in, that he should be subjected to restraint. I think his pulling out the knife to Lord Morton's men is only one of the many instances I heard in the evidence which indicated his being of an impulsive tendency. As to the evidence as to absence of mind, abstraction, gazing at the stars, and such like indications, I would not infer from any one of these that he was insane; but in this case, with the distinct progression of these indications, I would infer that they indicated that the man was gradually becoming insane. The disease gradually progressed. There was a change in June, then there was a paroxysm in October; and from the evidence and

my own inspection of the man, I would infer that the case would gradually progress towards dementia. I mean by that that it would end in total loss of intellect. I think he is now in a quiet state, but that the delusion under which I consider him to labour still exists. I still consider him insane.

Cross-examined by the Solicitor-General.—Do you use the term dementia as something different from insanity? I mean to say that dementia is one of three divisions of insanity—mania, monomania, and dementia. Do you consider the prisoner to have dementia? No, I consider him to be just now a monomaniac? According to the assumption you make of the fact, you were of opinion that he was a monomaniac on the 16th of April last? Yes. When did he become a monomaniac? About a year ago. So far as I know, the subject of that monomania has been the same. What is the subject of that delusion? A delusion regarding certain statements alleged to have been made by Jane Seaton—statements which she never had made. That is the only delusion you have any notion he is labouring under? Yes; but I have reason to suspect otherwise, although I could not say positively. Then, if that was no delusion, which you mentioned as the only delusion, there is no delusion at all, and he never was a monomaniac? There is other evidence of progressive changes in his mind. There was one reason, namely, that of wishing to dine alone on Sundays, which I think was not sufficiently brought out. Why, because he had suspicion of his family. Suspicion of what? I cannot say in what respect, but to my mind it appears that he suspected that they would do something to him—at least that may have been the case. I am merely offering that as my opinion. As a guess? No; as my opinion founded on other cases. You think his family had offended him, and he had a dislike to them? Not exactly that.

Sol.-Gen.—It appears to me very much like what I have observed in other cases of a person having separated himself from his family, in the belief that they had offended him.

Dr R.—Another reason I have for considering he had a delusion was that he muttered to himself, and I think he then considered somebody was speaking to him. The only delusion which influenced you was that which he had in connexion with Jane Seaton? Yes. Have you formed your opinion entirely from what has come out in the proof? I have. If that was no delusion, was there any delusion for your opinion to rest upon? No. Do you think that his mind was capable of entertaining, for a long time, a feeling of enmity or ill-will against a particular person? I think it was. Do you think his mind was capable of entertaining a strong desire to gratify that feeling of ill-will by doing an injury to the person? The fact of his having a delusion would not, I think, keep him from gratifying his feeling of ill-will. The delusion may have produced that feeling. Do you think his mind was competent to understand the full nature of the injury he inflicted on that girl? I cannot say for the time when he committed the act. I understand from that that there is no fact in this case that can lead you, as a medical man, to come to the conclusion that he did not know what he was doing when he committed the deed? (No answer.) Have you any reason to doubt that he knew the girl whom he attacked was the girl that injured him? No. Have you any reason to doubt that he attacked her in consequence of that feeling of enmity towards her? I believe he did attack her in consequence of that feeling while labouring under a delusion. You think that the feeling of enmity proceeded from a delusion, but that it was the feeling of enmity which caused the attack? That would be somewhat different from what I already said. Very likely. Have you any reason to doubt that, when he drew the razor across the girl's throat, his desire was to kill her? I cannot say that it was his desire, but it was evidently his intention to kill her. Now, have you any reason to suppose that he thought it was right and not wrong to kill her? I cannot say. Have you anything which enables you to form an opinion one way or other whether he thought it was right or wrong to kill the woman? No. I cannot say whether he thought it was right or wrong, as I cannot entirely enter into his state of mind. Of course not; you cannot entirely enter into the state of any man's mind.

The Solicitor-General—It comes to this, then, I think. He knew the girl; he had a feeling of enmity towards her,

arising from a delusion, fancying that she had injured him when she had not. He had a desire to gratify that feeling of enmity, and he killed the girl. Have you any reason to suppose that by so doing he imagined he was doing right? *Dr Ritchie*—My opinion of the matter is that he was acting under a delusion, and while under that delusion he had a sudden monomaniacal paroxysm, and in that paroxysm he committed the murder. *Re-examined by Mr Fraser*—Is it common in lunatics to entertain a feeling of enmity and ill-will? Yes. Is it not a very prominent characteristic in cases of delusion? It is. Knowing the person quite well against whom they entertain the ill-will? Homicidal attacks are caused very often by delusion. I have had a case of the kind myself, where a patient thought I was writing things against him, and when he brought large stones into the institution with the intention, I have no doubt, of killing me. This is a danger which the physicians in such establishments run. If Bryce committed the deed under the delusion that he was slandered, was his mind capable of understanding the case? I take this case to be like my own, where he was acting under a delusion. [*The Lord President*—But the question is, Was he capable of understanding that he was acting under a delusion? I do not think he knew he was acting under a delusion.] *Mr Fraser*—Before the paroxysms in October and April, were there all the symptoms of incipient monomania? There were symptoms a year before. He entertained, when I spoke to him this morning, the same delusion in regard to the girl Seaton.

This concluded the case for the prisoner.

The Solicitor-General for the Crown, and *Mr Fraser* for the prisoner, addressed the jury.

The Lord Justice-General proceeded to charge the jury. In the course of his charge, his lordship laid down the law as to insanity in the following terms:—Insanity, in a general sense, may be of various kinds. It may be imbecility or fatuity. That is not the case before you. Or it may be violence—a mania leading to violence, which is said to be the case before you. That may be of various kinds, but what we have to deal with here is said to be monomania. It is said that in a paroxysm of that disease the prisoner committed the offence. The disease is what constitutes the unsoundness, and the paroxysm is only an event in course of the disease. Now, the opinion expressed in substance by both the medical gentlemen is that he was at the time under an insane delusion—a delusion which shows that he was insane—and that it was acting under that delusion that led to the perpetration of the act, and that in consequence he is to be regarded as a person not responsible for it. I think it was said, especially by *Dr Ritchie*, in the concluding part of his evidence, that the only delusion proved was the delusion he was labouring under in believing that a man of the name of Peat had told him that *Jeanie Seaton* had said he was a drunken blackguard. I need not tell you it is not every eccentricity that is a defence against the perpetration of a crime. It is not the mere circumstances of oddity that will be a defence against a criminal charge. It is not that the intellect is more or less weak that can constitute such a defence. The defence in the present case is that he exhibited an insane delusion, which insane delusion being acted upon, led him to the perpetration of the offence, and that therefore he is not responsible. Delusions may be of various kinds. There are delusions which are clearly indicative of insanity. There are cases of men and women who have believed themselves to be some great persons of antiquity, of men who believed themselves to be constituted of particular materials, of men who believed themselves to have existed before the flood; and there is also the case of a man who believed himself to be the Deity. All these strange, supernatural ideas, if they are really entertained, are conclusive evidence of insanity. There is no doubt of that. But there are other kinds of delusions which are not evidence of insanity. A man labouring under a mistaken belief respecting himself is not necessarily insane. A man believing that another has an ill-will towards him is not therefore insane, however ill-founded the notion may be. There are various errors of judgment, leading to

wrong inferences, deduced from facts observed—strong opinions entertained on insufficient grounds, leading to erroneous conclusions. These may be called, more or less, delusions, because there is no good foundation for the opinions that are entertained. But delusions of that kind are not such as will screen a person who, on acting upon them, has perpetrated a crime. If you choose to call that insanity, still it won't do. It is not an insanity of the kind that will be a defence against the consequences of such an act as this. Now, what is the nature of the case? The nature of the case here is this, that this man believed that Jeanie Seaton had said to Margaret Gibson, who had repeated it to Peat, that he was a drunken blackguard. Now, Peat says he never told that to the prisoner, and Margaret Gibson says she never told that to Peat, and that Jeanie Seaton never told that to her; so that the chain of communication, so far as the witnesses go, is broken. But supposing that he is under the impression that he had heard it from that source, and supposing it was not true, it does not necessarily follow that he is insane, so as to be irresponsible. It appears that the opinion was entertained at Mr Tod's villa by some of the people there, that the prisoner was a person addicted to drinking; and it does appear that Mrs Tod had told Jeanie Seaton—had told the servants, all of them—that if he was a person of that kind, his visits ought to be discouraged. It does appear—as probably you will be satisfied—that Jeanie Seaton had entertained the opinion that he was a worthless, drunken fellow; and it is very likely that she may have said so. It would appear from the evidence that she had said that to her mother and to her father-in-law; and it is very probable that such was her opinion. It may have been true that she influenced the opinion of Lizzie Brown, to whom he was paying his attentions. That story may or may not have got circulation so as to come to his ears. He may have drawn conclusions that this was her view, and that she had been stating it. He may have been, in believing the delusions, labouring under mistake as to Peat being the person who told him; it may have been somebody else that told him. But is that to make him irresponsible for the act of murdering Jane Seaton? If a man has a delusion on any matter, however slight or frivolous, is that a reason for absolving him from the penalties of the law when he has incurred them? We must consider the consequence of absolving persons that are without restraint, of absolving them from the effects of the law when they commit acts of violence; and it is for persons so pleading insanity, to make out something that is a good answer to the charge. Is it a good answer to say—"I was under the delusion that Jeanie Seaton had entertained the opinion of me that I was a drunken blackguard, and had expressed it to others; that I was under the delusion that I heard it from Peat, who got it from Gibson?" I am of opinion that that will not do. The delusion must have reference to something far more serious and far more warranting and prompting to the act. If a man is under the delusion that another is assailing him to take away his life, then he may be justified in retaliating by taking away the life of the person who he believes is attacking or plotting against his life. But that a person has merely the idea that some one has said something of him, which he himself probably is conscious is not unfounded—to hold that as an excuse for taking away the life of that person is quite out of the question. It may be an indication of insanity taken with other matters, but it is not so standing by itself. But would you require to have it established beyond all doubt that the delusion, whatever it was, or the belief, was wholly groundless? Would you require to have it established that nothing of the kind took place? You are asked here to go into that inquiry, and on doubtful evidence to decide whether she ever made that statement in regard to him; and then, on the result of that inquiry, you are to build this theory of insanity, and on this theory of insanity, in reference to a matter so trifling, the man is to get impunity who commits murder. Gentlemen, the question of insanity—of insanity to the effect of relieving a party from responsibility—the question of whether a man is insane or not, is a question for you to decide. It is a question on the whole facts of the case; it is not a medical question. The medical gentlemen have opportunities of observation which make

their testimony frequently very important in reference to such matters ; but the question is not a medical question ; it is a question of fact whether the insanity amounted to this, that he was doing a thing which he himself considered, and had grounds to believe, and respecting which his belief was a sincere one, that he was warranted in doing—whether he really believed that something had occurred which would be a ground for taking away the life of this unfortunate girl. It is a question for you whether his state of mind was such as to warrant you in sustaining this defence. It is no doubt true that, if the result of your inquiry should be that the prisoner committed this act in a state of insanity, he would not be let loose on society. The public must be protected against persons who have uncontrollable passions, but I can by no means endorse the doctrine that seems to be held, that when a man cannot control his disposition to do an act he is not responsible for it. Nothing is more common than a person being unable to control his passions. His passion gets the better of him, and he becomes for the moment beyond control. But merely because you call it a paroxysm of monomania, that is not a reason for holding that such persons are to be held as out of the pale of the law in regard to answering for the consequences of the crime they commit. But the result would be—if you are of opinion that he is insane—immediate restraint, and, as Mr Fraser said, possibly subsequent restoration to society. But no matter for that ; the question you have to decide is, has it been established or has it not, that this act was perpetrated through insanity,—insanity in this sense, that the party was bereft of mind, that he believed, from grounds that acted upon his imagination, that facts had occurred which warranted him in committing violence against this individual. The prisoner is said to have no recollection whatever of what happened, and that want of recollection is said to be a very common sequel to a paroxysm of mania. It appears that when he left his father's house he had taken with him a razor. It appears that he met some people on the road, that he met a baker's boy not far from Mr Tod's villa, and that when he met him he passed on beyond the house, and entered the grounds, it is supposed, further up by climbing the wall. Now, it is remarkable that, while he states that he does not recollect what he did to this woman on that morning, he did recollect that he had gone to Mr Tod's house. He did recollect that he had seen the cook in the premises, and that he did recollect he had been in the kitchen. He knew that the razor which was exhibited to him was his, and he says he does not know how he came by it. In short, he pleads want of recollection of the particular act that he did in committing the murder, or of the possession of the particular weapon, but he remembers all the other circumstances of the case. If he was not in this state of mental aberration when he left his father's house, or until he got to the house of Mr Tod, it is strange he should not recollect how he got the razor. He recollects perfectly well having seen Hunter, and having been in the kitchen ; and when he had committed the last assault on the deceased, and cut her throat, he immediately fled. He was pursued, but was apprehended and taken back ; and when spoken to by the constable, he remarked that she was cheap of what she had got, and asked if she was dead. This is not like evidence of a total want of recollection. The allegation of want of recollection is one thing, the proof of want of recollection is another. It is not proof that a man does not remember that he says he does not remember ; and if he remembers things occurring about the time, but abstains from giving any information as to the particular thing he is charged with, you will judge how far you are to take that as a total want of recollection on his part. But this want of recollection is not a very unfrequent thing on the part of persons accused of crime. I have said that he carried on his ordinary vocation as a carter, and I think it is also in evidence that he was in the militia, and that he was out on duty for weeks at a time ; and we have no evidence that he was incapable of performing his duties there—nothing of that kind. There is no proof that he was an imbecile, or that he was not trusted in the work which he did perform. Sometimes, it is said, he left his cart in jeopardy ; sometimes he left his horse and cart altogether, and did not appear for days. He is a

person, it appears, of erratic disposition—and this tendency may account for all that—but that he did carry on his occupation, and that he was regarded by those persons who came in contact with him as perfectly competent to do these things, and not as a man who was exempt from responsibility for the consequences of his acts. Is it, then, the case that he suddenly becomes insane, that he could no longer be held responsible for his acts?—that is a question for you to consider. It is not enough that the evidence shows him to be a man of unsettled disposition; that will not exempt him from being responsible. He is guilty, unless you hold him to be insane. If you are of opinion that he is insane now, it is your duty so to find; it is your duty to say so separately, and without pronouncing any opinion on the question of guilty or not guilty. If you are of opinion that he is sane now, but that he was insane on the 16th of April last—insane in the sense of not being responsible—you will find that he is not guilty by reason of the insanity which was on him at the time. If you are of opinion that he was not insane at the time, and not insane now, your verdict in that case will simply be a verdict of guilty.

The jury having retired, returned a verdict of guilty, with a recommendation to mercy on account of the low mental organization of the prisoner; in respect of which verdict the prisoner was sentenced to death.

OBITUARY.

THE LATE PROFESSOR MILLER.

THE unexpected and premature death of Professor Miller, which took place on the morning of the 17th June, will be sad news to many an old friend, to many confiding patients, and to a whole generation of pupils in every quarter of the globe. For several years past, Mr Miller's friends have observed with distress that his fine face and manly figure were not as once they were and should still have been; that his expression was often haggard and exhausted; and that he was yielding gradually to the continued strain of overwork. Of this he himself frequently admitted the truth, and he wisely allowed himself longer periods of summer holiday than had been his wont. During these holidays he paid repeated visits to Homburg and Schwalbach, and evidently derived much benefit from the use of the chalybeate. But although he thus far took proper care of his health, he continued to abnegate the use of stimulants to a degree which many of his friends thought prejudicial to him; he was not an inflexible teetotaler whom no advice could convert even to the temporary use of wine for his body's sake; but he was at the same time so zealous and scrupulously honest a nephelista, as he called himself, that he immediately gave up the use of wine when the distinctness of the need for it became obscured. He would not consent to become a habitual drinker of wine on any terms. Whether this was a just decision in the case of a man who had for the greater part of his life used stimulants moderately, and who had far too much and too anxious occupation of body and mind, we shall not here attempt to decide. So great also was his devotion to the advancement of religion and of social ameliorations, that he was undoubtedly, and often not in ignorance, led to add to his strictly medical engagements a very great amount of business and hard work, more than any ordinary man can continue to bear. And he was not a strong man; he had been treated for pericarditis by Dr Abercrombie; he had an almost constant but varying dyspepsia; he had frequent slight attacks of gout, which he inherited from his father; and he had some ten years