

is half dead from the effects of a shot-wound inflicted upon himself. The counsel for the Crown made no attempt to rebut the evidence of Dr. Tweed, and that of a crowd of other witnesses who deposed to the insanity of the prisoner; nevertheless the learned judge, in his summing-up, told the jury that "it was not every aberration of mind that would free the prisoner—it must be such an aberration of intellect as to disable him from distinguishing between right and wrong." Under this ruling the jury returned a verdict of "guilty," and the poor lunatic criminal, whose own only plea was "I wish to die," is duly sentenced to be hanged.

The same eloquent counsel, before the same judge, will, on Saturday, plead in behalf of Miss Constance Kent. It is possible that in her case the defence of insanity may be set up, and may be equally justified; nevertheless it is clear that, whether insane or not, she must be condemned to death on her own confession, by making which she herself shows her full appreciation and knowledge of the difference between right and wrong. Surely there must be some grave mistake as to the value of a test that inevitably sends the possibly insane daughter of an insane mother to die upon the scaffold. That it is practically fallacious must be shown by the fact that, standing by her side, condemned in the same week by the same judge, will be found another unhappy homicide, admittedly suffering under mental disease arising from physical injury to the brain, and yet to be executed because no one can give evidence as to his want of knowledge of the difference between the right and the wrong.

The conflicts of opinion between law and medical knowledge, and the jarring of legal dogmas with scientific truths as to the responsibility of the insane, are deeply to be deplored; but there is another aspect of the case of almost equal importance.

If Mr. Justice Keating should draw the attention of the Home Secretary, as Mr. Baron Martin did in the case of Victor Townley, to the possible existence of insanity in one or both of these criminals, their lives will be spared; otherwise the law will take its inexorable course.

It is obvious that under this form of procedure, the judge has in every case, in which a capital crime has been committed by a lunatic, the power of life or death in his own hands; he may charge the jury in such a way as to almost compel their verdict of guilty, and then privately inform the authorities at the Home Office that the convict is insane, and that his case requires further investigation.

Is it not contrary to the spirit of our law, is it not repugnant to our feelings of justice, to inflict capital punishment upon a man already suffering under the most terrible affliction that can befall humanity?

In these remarks I do not wish to reflect upon the judges, but upon the law, which, in this instance, appears to me to be altogether anomalous. The issue, one of life or death to the prisoner at the bar, should depend upon the jury; and the questions for them to decide ought to be—first, whether the prisoner alleged to be insane is guilty upon the evidence, and secondly, whether it is proved to their satisfaction that he is not of sound mind.

Under the present system the last issue is practically left with the judge, who may or may not think it expedient that lunatics should be put to death; and as on this question judges may differ, like other men, the infliction of capital punishment in any particular case of homicidal lunacy is uncertain. The sanity or insanity of the prisoner is not decided by the jury; they are directed only to try an issue which no finite mind can determine—namely, whether a lunatic at a particular moment had a mind sufficiently sound to know the difference between the right and the wrong.

The question as to the infliction of capital punishment is distinct from that of capital punishment of lunatics. If there be even a doubt as to Miss Kent's condition of mind I hope her life will be spared. As to poor Broomfield, the law may surely forego its vengeance; it can serve no purpose to strangle to death a man admitted to be the victim of a mysterious disease, which affects, more or less, the intellect, the moral feelings, and the will, because it is imagined that so much of these remains to him that his mind can tell the difference between right and wrong. There is little doubt that he does know the difference between right and wrong. But his mind and will are diseased; he could not restrain his suicidal impulses—he could not overcome delusive impressions; and it is almost certain that mental disease led him to commit a cruel and useless homicide.

I am, Sir, your obedient servant,

Albemarle-street, July 18th, 1865. HARRINGTON TUKE, M.D.

## HOW WERE THE FRACTURES OF THE ORBITAL PLATES OF THE FRONTAL BONE OF THE LATE PRESIDENT LINCOLN PRODUCED?

To the Editor of THE LANCET.

SIR,—In the record of the post-mortem examination of the late President Lincoln, drawn up by Acting Assistant-Surgeon Taft, of the United States Army, (*vide* THE LANCET, June 17th,) it is stated that the bullet—a round one—entered the occipital bone one inch to the left of the longitudinal sinus, and was found imbedded in the right anterior lobe of the brain, immediately behind, but not in contact with, the orbital plate. The following facts are given:—

"The hole made through the occipital bone was as cleanly cut as if done with a punch. The orbital plates of both orbits were the seats of comminuted fracture, the fragments being forced inward, and the dura mater covering them remaining uninjured. The double fracture was decided to have been caused by contre-coup."—*Philadelphia Medical Reporter*.

For the production of fracture by contre-coup it is absolutely necessary that force be transmitted from the spot struck; and if no such transmission took place in the case under consideration, it is clear that the fractures cannot be regarded as examples of fractures by contre-coup. Now it is stated that the aperture of the bullet's entry was only half an inch in diameter, and as cleanly cut as if done with a punch. These facts resulted from there having been no transmission of force. The following words of mine (*British and Foreign Medico-Chirurgical Review* for July, 1864, p. 213) explain the reason why.

"The bullet going at full speed affords no time for the part which it strikes, and puts into motion, to transmit motion to the surrounding bone, and hence merely cuts out a piece of bone its own size; whereas the bullet whose rate of velocity is low allows time for the part which it strikes to communicate force to, and set in motion, a considerable portion of the contiguous bone not struck; and consequently, the lower the rate of velocity the larger will be the wound, for as more time is given, more particles will be set in motion."

Consequently the fractures of the orbital plates could not have been produced by contre-coup, as there was no transmission of force.

Prof. Longmore, in a communication to THE LANCET of June 17th, considered that the fractures were caused by the brain being driven, by the impetus communicated to it from the bullet, against the orbital plates.

I, however, am of opinion that the fracture of the right orbital plate was produced by the direct action of the bullet, and that the left orbital plate was broken by an extension of the fracture into it from the adjoining plate. The fact of the dura mater covering the orbital processes not being injured proves nothing, inasmuch as it is, I should suppose, well known that when a spent bullet strikes a bone protected by a cloth, skin, or membrane, the bone is often fractured, whilst the covering remains uninjured. It was assumed that because the bullet was not found in contact with the orbital plate, it had, therefore, never struck that bone. The bullet, however, was discovered in the very position I should have supposed; for I have ascertained from repeated experiments on the dead body, that when a round ball is fired from a pistol, at the distance of only a few feet from the head, it makes a clean-cut aperture of entry, traverses the brain, strikes a spot on the inner surface of the skull immediately opposite the aperture of entry, and then, recoiling into the brain, remains imprisoned in the cranium. The conical bullet, however, fired at a short distance with a full charge of powder, from a revolver, not only generally enters the head, but also makes its exit from it. Inasmuch, therefore, as the injuries sustained by the late President Lincoln were exactly similar to those which follow the use of a similar weapon on the dead body, I am unwilling to believe that there was any departure from well-ascertained causes and results, and that any apparently inexplicable circumstance arose from some imperfection or want of minuteness in making the post-mortem examination, rather than from any deviation in the action of physical laws.

I am, Sir, your obedient servant,

W. F. TEEVAN, F.R.C.S., B.A.,  
Portman-square, July, 1865. Surgeon to the West London Hospital.