

THE CASE OF WILLIAM SPEIRS. ARSON. PLEA OF
INSANITY.

On the fourteenth day of July, 1857, at half past seven o'clock in the morning, the cupola of the New York State Lunatic Asylum, at Utica, was discovered to be on fire. The flames spread inwardly through the great central building, the greater portion of which, unfortunately, with a narrow economy, had been constructed from bottom to top with framed partitions, instead of brick or other incombustible material ; which therefore fed, rather than opposed, the conflagration. Every thing but the external stone walls, and the fine Grecian portico and pediment of the main front, was destroyed ; and even these, substantial as they were, suffered severely. The roof of the east wing, and part of its interior, were also partially destroyed, and the west wing slightly injured. The fire was not fairly conquered until afternoon. Aside from the possible injury to the five hundred and fifty occupants of the buildings, and from the certain destruction or serious damage of valuable property, both public and private, the scene was one of great interest ; and the fiery spectacle, although in broad day-light, was as sublime as the eruption of a volcano, or the trembling of an earthquake, and quite as unexpected as either. The extreme sultriness of the day, almost overpowering human exertion, and the want of efficient means of reaching and applying the abundant supply of water in the attic tanks by fire engines, thus compelling the exclusive use of buckets, prolonged the fury of the flames, until finally they were subdued by an application of steam from the heating apparatus of the Asylum, which showed its power in the conquest of the element to which it owes its mighty efficiency, and in the aid of the other element without which it could not exist. Steam, and its auxiliary, water, with such human efforts as could apply both, at length succeeded in extinguishing, midway of its violent career, the enemy that threatened the complete destruction of a noble pile.

In respect to the inmates of the great building, every precaution was taken that the surprise of the occasion and the means at hand would allow. All of the females, and such of the males as were particularly exposed, were detached by the direction of the Superintendent, under the charge of various assistants, in admirable order, to the woods in the rear of the buildings, where they remained, under suitable military and civic guard, spectators of the scene, until they could be safely restored to suitable quarters under the still protecting wings of the Asylum. The early evening saw them all safely housed again, with perhaps an exception or two of such as escaped custody in the confusion, and became wanderers either from willingness or fright, all of whom returned. The wing occupied by the male patients not being in imminent danger, it was not thought necessary to remove them, and they all retired at night as usual without any injury.

Four days afterwards, in the afternoon, the stone barn and stables on the Asylum grounds were discovered to be on fire ; and a man was seen going from them to the same woods which before had been the shade and shelter of a number of the inmates, himself among them.

This man was William Speirs, who had been sent to the Asylum in 1850, on the order of a Court of Oyer and Terminer, which relieved him, after an arrest, from a trial for arson, on the ground of insanity. In 1856, he was discharged by an order of a Justice of the Supreme Court. After his discharge, he was employed, with casual intermissions, as a messenger, as a compositor in the printing office, and otherwise, until the period of his arrest for the arson of the Asylum barn.

On that occasion he confessed that he not only committed that act, but that he also fired the central building a few days before. An examination was forthwith had before Justice Bacon of the Supreme Court, in the presence of Judge Denio, of the Court of Appeals, some of the physicians and trustees of the Asylum, and other persons. The result of the examination was the committal of Speirs to the county jail at Utica, to await the action of the Grand Jury.

He was afterwards indicted for the crime of arson, and in May 1858, was tried for that offense at a Court of Oyer and Terminer of Oneida county, held at Rome by Justice Allen of the Supreme Court.

The District Attorney, aided by Mr. Ward Hunt, conducted the trial of the case on behalf of the people, and Mr. E. J. Richardson, on the part of the accused.

Edmund A. Wetmore, of Utica, Treasurer of the Asylum, was the first witness called on behalf of the people. He testified to the mode of occupation of the Asylum-buildings, at the time of the fire, on the 14th of July, 1857; and to the destruction, by that fire, of the centre-building, and of a portion of the south wing. He also proved the burning of the barn on the 18th July.

In reference to the confessions of the prisoner, he testified as follows, viz :

I had a conversation with the prisoner, William Speirs, while the barn was burning, on Saturday, the 18th of July, in one of the rooms in the north front wing of the Asylum. Doctor Gray and Owen Jones were present. I asked Speirs if he set fire to the centre-building. He said he did. I asked him how he did it. He said he went into the main air-passage in the attic, and made a fire around a square box there, with some paper and light stuff; and that he set a fire in two or three places in the open attic, with some pieces of candle. I asked him why he did it; he replied, that he was "mad." I asked him for what? and he said that Dr. Chapin sent him away from where they were making balloons, and would not let him help. I asked if he was "mad" at any thing else; he hesitated, and Dr. Gray repeated my question. He looked at the Doctor, and said, "You took away my keys."

On *cross-examination*, Mr. Wetmore testified that he had, at times, for several years, seen the prisoner in the halls of the Asylum; that he knew him only by sight; that when he first saw Speirs on the 18th of July, he was in the room which has been mentioned, in the charge of Owen Jones, who was a laborer at the Asylum; that he (Speirs) was agitated during the conversation, but at times controlled himself, and spoke calmly, and that he expressed no regret. The

witness further stated that Dr. Gray first asked Speirs if he set fire to the barn and centre-building, and that he replied that he did ; and that the witness then commenced questioning him as already related. Speirs said he set fire to the barn in the straw (or hay) with a match, that he then went out, and went to the woods, or grove, on the Asylum farm, and stood in the edge of the woods, and looked at the fire. He said that he was in the grove during the burning of the centre-building. He did not say that he was pleased with the fire ; said nothing upon that point.

William Walker testified that he resided on Plant street, Utica, and had charge of the paint-shop at the Asylum, and was there on the morning of the 14th of July, before the fire broke out. Dr. Gray, his family, and the assistant physicians, were occupants of the centre-building.

On *cross-examination*, he testified that the paint-shop was about 70 yards from the centre-building. The fire broke out about twenty or twenty-five minutes after 7 o'clock. He got to the Asylum at 7 o'clock ; lived about a mile from there ; was there the night before ; went from his house to the paint-shop in the morning ; did not see any of the persons named by him that morning.

Witness saw Speirs brought from the grove at the fire of the barn ; did not speak to him ; was 40 or 50 yards from him ; had frequently seen prisoner laugh ; ask him a question, and he would answer it correctly ; saw the prisoner in the woods, after the fire broke out, standing in the shade, with others.

The prosecution here rested.

The prisoner's counsel then called Dr. John P. Gray, the Superintendent of the Asylum, who testified that he had been connected with the Asylum from Sept., 1850, first as an assistant physician, up to July, 1854, and subsequently as Superintendent. An order of the Court of Oyer and Terminer, dated Jan. 14th, 1850, was presented, and stated to be that on which Speirs was sent to the Asylum. Dr. Gray further testified that Speirs was at the Asylum at the time of the fire ; that with the exception of four or five weeks in Sept. and Oct. of 1856, Speirs had not been away, from the period of his knowl-

edge of him in 1850 ; that he had no personal knowledge of Speirs' whereabouts during his absence in 1856 ; that Speirs took with him when he went away the keys he had as a dining-room waiter, and brought them back on his return ; that in 1850 and 1851, he had charge of the male department, and then treated Speirs for an abscess and slight caries of the thigh-bone ; never treated him for any disease subsequently, neither for the habit of masturbation. Witness read from case book : " William Speirs, New York City, admitted Jan. 21, 1850, single, aged 23 years, barber, native of Scotland, has been in this country about eighteen months ; has been in the asylum on Blackwell's Island eleven months of the last eighteen ; the time he has been deranged and the cause are unknown ; not suicidal ; escaped conviction on the ground of insanity, and ordered to be sent to the New York State Lunatic Asylum ; quiet on the way ; particulars of his history not known." The foregoing entry was made in the hand-writing of Dr. Cook, who was assistant physician at the Asylum at the time Speirs came to the institution. A subsequent entry states that he " Was placed in the second hall, assists in hair-dressing and shaving, and is quite industrious, cheerful and contented." March 1, 1850, a statement is made that he " Says he has no inclination to burn buildings or injure others." April 1, 1850, entry is, " Appears well." In August, 1850, he was removed from the second hall to the first, or convalescent ward.

For the years 1851-2, and up to 1856, when he was discharged, the entries are that he was " well," " industrious," " doing well," &c., and are in the hand-writing of Drs. Cook, Porter, Headley, Chapin and myself. In 1853, Dr. Headley records, " Has the appearance of a masturbator," and adds prescription. In 1854, Dr. Cook records, " Still works in printing-office, and about the house ; mind not strong, but he gives little evidence of derangement." Was discharged as well, Feb. 1, 1856, by order of Justice Bacon, of the Supreme Court. My first record in his case is dated March 1851. The habit of masturbation in excess debilitates the body, lessens a man's self-respect, and may impair the mind, and is often the cause of insanity ; have been consulted in cases where the habit had not

perceptibly impaired the mental faculties;—the tendency is to impair the general health, and thus reach the mind. It frequently induces feelings of melancholy and unhappiness, especially when the habit is recognized as a sin and a vice.

On *cross-examination*, Dr. Gray testified that at the time of the fire, he resided, with his family, in the central building of the Asylum; that the prisoner was discharged as a patient, Feb. 1st, 1856; was subsequently employed as dining-room waiter on the first hall; continued in that capacity till towards spring, and discharged his duties well, with the exception of a little shortness occasionally towards patients. In June he was suspended from duty for swearing, and the keys he had were taken from him, but in a few days given to him again, and he was allowed to resume his place. He sometime after this applied for a place as attendant; this was refused him; learned he was dissatisfied with his position. Subsequently he left; I think in September. He returned afterwards and wanted employment; I declined employing him. He said he was out of money, and, as he appeared destitute, I said he might remain for the present and work in the printing-office, and at other useful employment, and on leaving he would receive what was right; he thus remained until the occurrence of the fire. At one time Gen. Smith requested that he might act as his special attendant, and it was granted. He was making himself generally useful up to the time of the fire. I considered defendant a sane man in Feb. 1856, and my opinion remained unchanged up to the time of the fire. Some of the entries in the case-book are in my hand-writing; such as his doing work in the printing-office, improving in reading, writing, &c.

Direct examination resumed:—Sent him up to the second hall after discharge in spring of 1856; insane persons are on this floor; don't remember whether his room was then locked up at night; was suspended for swearing; sent him up stairs until the case could be investigated; attendants frequently sent off for violating discipline. He only staid up stairs a few days; he received \$12 per month; did not deduct the time he was up stairs.

Sent after defendant at the time of the burning of the barn; sent

Owen Jones for him ; met Owen Jones, who said, " Billy Speirs came out of the barn just as the fire broke out, and went towards the woods." Sent Jones after him ; was gone ten or fifteen minutes ; Speirs came back willingly ; do not recollect seeing Speirs on the morning of the fire of the 14th ; subsequently saw him, and he appeared as usual.

Margaret Speirs testified that prisoner was her son. She had resided in New York for ten years ; they came from Scotland in 1847. Prisoner is about 30 years old. He had a sun-stroke in Scotland in the summer time ; the blood came out of his mouth, nose and ears. He was asleep on a steambot in the sun at the time. When witness saw him, his face was very red, and she told him he ought not to have slept in the sun. He was silent. He was always silent. We got the doctor, and he said he was surprised that he lived ; that his brain was boiled. After this he would go out and stay out days and nights. He was always very quiet and civil. I noticed no change in his disposition after that. Before that he did not go out ; he had hurt his hips. After he got to New York, he got employment as a barber, and remained only five days. He did not come home, but staid out for more than eight days, and we did not know where he was. The first we heard, he had been sleeping in wagons, and went into a house and got some things, and was going to set the house on fire, and he had been taken up, and I went to see him at the jail. He was tried. It was several months before he came to the city. He then got into a saloon and staid there about three weeks. He did some depredation there. Cannot say what it was. He was tried and sent to Utica. After the sun-stroke he was not as amiable as before.

On *cross-examination*, she testified that the prisoner was 16 or 17 years old when he had the injury to his hips ; he was sick a twelve-month ; she was taking him to the doctor about a year after this injury when he was sun-struck ; he had not then entirely recovered from the injury ; he went home from the boat well enough ; we lived a mile or so from the boat ; he walked home ; we were in the house a little while when he got sick ; the first indication was, he

threw out blood from his mouth, and nose, and ears ; as to ears, witness was not certain ; he could not sit up ; he was confined to his bed the next day, and to the house a little time after this—perhaps two or three weeks ; he got perfectly well after that, and did well a good long while after, and then began to stay out ; when he was displeased he would go out and stay out all night ; witness has two other children living ; he would not quarrel with them, but would get displeased at trifling words from witness or any other person.

On *re-examination*, she said that her daughter had been insane, and sent to Blackwell's Island, where she was ten or eleven months ; grief and other causes produced the insanity ; she is perfectly well now.

Owen Jones testified that he resided in Utica, and was employed in the Asylum at the time of the fires ; he worked on the farm. Dr. Gray sent him for prisoner ; he went and found him in the woods about 50 rods from the barn, standing there with some other persons, looking at the fire. He saw witness coming. Witness discovered nothing unusual about him ; he was not laughing ; witness asked him if he had any matches, he said not ; nothing was found in his pockets ; witness said he wanted him to go home with him, and prisoner said he would. Witness asked him what made him set the barn on fire, and he said, Dr. Gray took his keys away, and Dr. Chapin did something. Witness was about fifty rods from the barn, and near the woods, when he discovered the fire in the barn ; he met prisoner, who said witness was too late to save the barn ; prisoner was alone. Witness told Dr. Gray he saw prisoner go in and come out of the barn. Did not see prisoner at any time on the fourteenth of July.

John Hawthorne testified that at the time of the fire he was at the jail in Utica, of which his brother was keeper ; he was there when prisoner was brought there, and saw him about every day for three or four weeks, and conversed with him occasionally ; he avoided every other subject except that of firing the building ; had conversations with prisoner about fires probably a dozen times while he

was there—the fires in the Asylum, or in New York and West ; asked him whether he was guilty.

Here the prisoner offered to show that on several occasions, while in jail, he freely admitted the different fires which he had set in New York and out West, while he was absent from the Asylum ; and that also, while in jail, he expressed a desire and asked to set fire to a wooden building outside the jail, and that he did burn whatever he could get hold of—one of the inmates hat and clothing ; the purpose of the offer being to show insanity. Objected to and excluded. He also offered in evidence his own writings while in jail, to show insanity ; and among them a poem entitled “ The Burning of the State Asylum, by William Speirs, the Turnkey.” Objected to and excluded.

Dr. Horace B. Day was then called, and testified that he had resided in Utica five years, and had been a physician fourteen or fifteen years. Have seen prisoner several times in jail, and here ; am physician of the jail at Utica. Believes he has prescribed for prisoner on one or two occasions for seminal weakness ; judged it to be the result of masturbation ; would not dissent from Dr. Gray as to the effects of that habit. Has heard most of the testimony ; could not understand prisoner’s mother.

Question. “ From what you have seen of prisoner, and what you have learned of him, what is your opinion as to his sanity or insanity ?” (Objected to and objection overruled.)

Answer. He is a subject of monomania or *insania impotens* ; it is pyromania ; the manifestations of it are to fire buildings, or a desire to. Upon all other subjects he might be perfectly sane. The impulse is probably uncontrollable, or else the act would not be committed. It is not always accompanied with a delirium. Could not form an opinion as to the difficulty with prisoner from the evidence of his mother. His personal appearance does not indicate insanity.

On *cross-examination* Dr. Day testified thus : Pyromania is a desire to fire buildings that is irresistible ; there is nothing in the evidence to show this disease in prisoner. Don’t think Conkling

(who fired churches and other buildings in Utica a few years ago) was excusable in the fires he told of setting. Could see no reason for this, except in this irresistible impulse. There are cases of irresistible impulse where it can not be traced to bodily disease. Never had personal knowledge of a case of this impulse, except as caused by disease. Have read such cases in "Eberle's Practice of Medicine," and in "Wood's Theory and Practice of Medicine." Have never made insanity a special study, nor read any works devoted to that subject. Have read authentic cases of pyromania in books; can not say how many cases.

Dr. N. H. Dering testified that he had resided in Utica ten years, four years in Rome, and twenty-six years in New York, and had been a physician forty years. He saw prisoner at the examination before Judge Bacon, and next saw him to-day. Noticed his appearance at that examination, and only had been in court to-day. The examination before Judge Bacon occupied three or four hours. Have heard the witnesses testify to-day. Witness made up his mind at the examination that prisoner was not a sane man; could then see his countenance. There appeared to be a total absence of all consciousness of guilt. The great anxiety to set the witnesses right as to how the fire was made, and to explain how he set fire to the attic, and the evidence of Jones; the conduct and the general history of his life; the firing of the buildings, and being perfectly indifferent as to the consequences; and the pleasure he evinced in looking at the fire, induced witness to suppose that he was insane.

Masturbation would debilitate the mind and produce insanity.

On *cross-examination*, the witness said that he saw nothing in the prisoner at the examination that induced him to suppose that he was laboring under any bodily disease; it was wrong to premise bodily disease. It must have arisen from a previous disarrangement of the system; no particular local disease that witness knew of. Witness only discerned the want of common sense. There is insanity where there is no disease perceptible—when the cause can not be discerned. The statement of the mother as to his absence after coming to New York, and the illness on the boat, would indicate in-

sanity. The effect of the sun on the brain, on the boat, witness thought had an effect upon the system—upon his temper and life. All that his countenance indicated was a low order of intellect.

Dr. Moses H. Ranney testified:—I reside in New York city, am a physician by profession, and resident-physician of the New York City Lunatic Asylum, Blackwell's Island; have held that office over eleven years. At present there are over six hundred and fifty patients in that institution. I first saw prisoner in 1848. He was placed under my care in Oct. 1848, with the usual commitment for insanity. This was after the first, and before the second fire spoken of by Mrs. Speirs. On the 14th of Oct. 1849, he was discharged at the request of his friends. I saw him a few weeks after his discharge when he was arrested for attempting to burn a building in the city; I next saw him to-day, when he told me he was in jail on account of having burned a portion of the Utica Asylum, and the barn; I inquired of him if this and the two attempts in New York city, were the only acts of this character he had committed; he said he burned a building in Peoria, while absent from the Utica Asylum, and that afterwards he wandered about a day or two; that no one suspected him but his uncle, who inquired of him about it, and advised him to return to Utica. I asked him as to the motives which prompted these acts. He stated that there was no very direct motive for setting fire to the first building he burned in New York, but he felt melancholy; the second attempt in New York was on account of a waiter being saucy to him. He had no motive for burning the building at Peoria, except that he was melancholy.

He gave as a reason for burning the Asylum, that he was displeased with the Superintendent for having stopped his wages, and taken away the keys. In relation to burning the barn, he said; "It seems I was not satisfied, but wanted to burn more buildings." He told me that he wished to burn the whole of the Asylum, and went afterwards for this purpose, but found the doors barricaded. In reply to a question as to his future course, he stated that very likely he would burn more buildings if the feelings came over him; that when he felt bad, he had this disposition, and felt better after it

was accomplished. He told me that he had not slept well, and that for years he practiced masturbation. His manner was mild ; he seemed perfectly frank and unimpassioned, and in fact exhibited very little feeling on the subject. I asked him various questions relating to delusions or hallucinations, but could detect none. I saw no disposition to impress me that he was insane, nor evidence of feigning. I believe that he is not responsible for his acts, from the fact that he was undoubtedly insane in 1848 ; that there was a predisposition to the disease, and that the course pursued by him at Utica and his present appearance are much more in consonance with insanity than sanity. I think his intellect is of a low grade,—that he is partially imbecile. The divisions of insanity are to a great extent arbitrary. I think his insanity would be classed under Pyromania ; it is not of an impulsive character, nor connected with delusions proper, but with a perversion of the moral qualities of mind, combined, as before stated, with weak intellectual powers. His condition while in our institution in 1848 is thus described in the case-book : “ His eyes had a wild, unnatural appearance ; he had periods frequently of being gloomy and taciturn ; at these times was very sullen, not inclined to do any thing : these periods would last a week or more.” I did not observe these changes the last few months he was in the Asylum. A sister of prisoner was insane, and an inmate of the Asylum with him.

Cross-examined.—I discovered no delusion ; think he had no uncontrollable impulse. I believe the act resulted from a perverted condition of the several moral faculties of the mind, with a propensity to burn buildings, and a feeble intellect. Probably at the time the propensity was uncontrollable. Impulse is the result of a state of the will. This propensity to destroy arises from a perversion of the several faculties. The propensities proper, as a division of the manifestations of mind, give tone and direction to the disposition. They are not the same as Will. Perhaps any thing that would excite the prisoner would induce him to burn buildings, or even might stimulate him to commit an assault with intent to kill. I judge that he is a pyromaniac, because he has committed these acts, and is insane. He does not possess the power to prevent the commission

of an incendiary act, even if he knew he would be punished. I suppose there is a change in the brain which produces this condition of mind. The disease of brain I infer from its abnormal functions and the physical symptoms.

Dr. John P. Gray, on further *cross-examination*, said, that during the early part of prisoner's residence in the Asylum, there was an open fire in the ward where he was, and there were lamps and gas there. Prisoner was frequently in the main building, where there was fire. He frequently went with and for the mails to the city. Witness never observed any difficulty with the prisoner about the fires.

The prisoner rests.

Dr. Geo. Cook, being sworn for the people, testified:—I reside at Canandaigua, and am resident physician of Brigham Hall, an asylum for the insane. Have had medical charge of that institution two and a half years. Was connected with the Asylum at Utica from January 1848, to July 1855, with the exception of one year, spent in visiting institutions for the insane in this country and in Europe.

I knew the prisoner at Utica. I received him, and recorded in the case-book of the Asylum such particulars of his history as were known to the person who brought him. He was not under my particular care, except for a few months; but I saw him frequently. Have seen him to-day in the jail, and conversed with him, and have also heard much of the evidence given in court. From my observation of him to-day, and from the evidence presented, I am of the opinion that the prisoner, though imbecile to a degree, is now sane, and that he was sane last July. Nothing in the testimony, according to my judgment, conflicts with this opinion.

Cross-examined.—I do not remember to have prescribed for the prisoner while at Utica. From my observation of mental disease, I am of the opinion that there cannot be great disturbance of the moral faculties without some degree of intellectual disturbance, therefore I do not recognize such a disease as *moral insanity*, when by that term is meant *moral disease coëxisting with intellectual sound-*

ness in the same individual. No case of purely moral insanity has ever come under my observation. Mental disease may be partial ; it may manifest itself to a greater degree in some of the moral and intellectual faculties than in others ; or it may be general, involving all the faculties. I do not think a person can be insane upon one subject and sane upon all others ; the prominence of a controlling delusion often masks the false perceptions, and the errors in reasoning and judgment, and hence the term by which this phase of mental disease is generally known. The opinions given are based on my own observations. I have seen nothing in the prisoner during the time that he has been under my observation, and have heard nothing in the testimony here presented, to convince me he has any disease causing intellectual disturbance.

Dr. Bell testified that he had devoted almost the whole of his professional life to the study of mental diseases ; had been at the head of the McLean Asylum for the Insane, near Boston, for nearly twenty years, and had had the care of several thousand patients, had much experience as a witness in cases involving questions of mental responsibility. Had seen and examined the prisoner in October last, at the jail in Utica, introduced himself candidly to the prisoner as having come to examine his mental condition, but suggesting that Speirs should decline answering unless he chose ; that there was no wish on Dr. B.'s part to entrap him, or take advantage of his situation. To this Speirs freely replied, that he should like to converse with him, and referred to his having known of him in connection with a meeting of Hospital Superintendents at Utica, in the chapel. This interview was about an hour and a half in length.

The conversation turned on the immediate act for which the prisoner was confined. He admitted the firing of the Asylum, went into a detail of its manner, and gave as a reason for it, the way in which he had been treated since his return from the west ; said that his expected or accustomed wages, or remuneration for services, had been denied him ; that his keys had been taken away from him ; and expressed some regret for those whose lives had been lost at the fire, but mixed this with the idea that they had exposed themselves fool-

ishly and unnecessarily. The topic of his early life, and the two formerly perpetrated acts of arson followed. In one of these, the firing of a barber's shop, he gave an explanation, involving an adequate motive; and as regards the other, the setting on fire an eating-house where he was engaged as a waiter, he represented that he had been provoked and injured by some one connected with it, and who he believed would suffer from its being closed. He was closely enquired of as to any peculiar feelings of distress, sleeplessness or restlessness, or heat, prior to any one or all of these acts of incendiarism, or as to any unusual sensations of any kind.* He disclaimed wholly any feelings beyond those of anger for having been so treated.

The witness being asked the opinion he had formed from all that he saw and heard at the interview with Speirs and the testimony presented on the trial, replied that he had been unable to find any evidence that the prisoner was laboring under any delusion or pyromaniac impulse, either at the time when the Asylum was fired, or at any previous period in his history.

Question.—What is his state of mind now?

Answer.—My opinion is that he is now a sane man.

Dr. Bell also testified to the extreme unfrequency of *pyromania*; had never seen but one case of it. It was confined almost exclusively, according to the best authorities, to young females, where difficulties in the catamenial function existed.

On *cross-examination*, he said, that he had stated the substance of all that transpired in his interview with the prisoner. In the case of mental disease, the exciting causes would be less apt to produce paroxysms or relapses in an asylum than out of it.

JUDGE ALLEN charged the jury, that the questions to be passed upon by them, were,—

1st. Did the prisoner commit the acts charged in the indictment?
and

* At the trial some months after, some medical witnesses, who visited him just previously, testified that Speirs professed having had all the sensations referred to, just before he set the fires.

2d. If he did, was he, at the time, of sound mind, capable of distinguishing between right and wrong in respect to these acts?

If to both questions the jury should respond in the affirmative, they would, by a general verdict, pronounce him guilty of the offence with which he was charged; and when they were deciding upon the guilt or innocence of the accused, he was entitled to the benefit of every reasonable doubt arising upon all the evidence upon both branches of the case. After alluding in detail to the evidence touching the commission, by the accused, of the acts complained of, the Judge proceeded to state that the point most pressed in behalf of the prisoner, and the question of most interest and difficulty, if there were any difficulties in the case, was as to the legal responsibility of the prisoner for his acts; the law mercifully excusing from the penal consequences of such acts those who were deprived of their reason, and whose minds could not consent to their acts.

Upon this question the jury had the benefit of the testimony of gentlemen of high reputation, acknowledged skill, and great experience in mental diseases; as they did not agree in their opinions as to the mental condition of the accused, it would be the duty of the jury, upon all the testimony in the case, to decide for themselves in the exercise of their good judgment, and with the light and aids which they had. In matters without the range of the ordinary knowledge and experience of mankind, and in which courts and juries are not supposed competent to form correct opinions, it was usual to call to their aid persons of learning and skill in those matters, who were permitted to give their *opinions* as *evidence*. Conclusions and inferences properly deducible from facts proved, which in ordinary cases were drawn by the jury, were, in matters of science, skill, trade, and other like cases, proved as *facts*, by competent witnesses, called *experts*.

While the opinions of men who had devoted their lives to any specialty in science or trade were entitled to great weight, the mere expression of an opinion by an expert did not necessarily conclude the jury; but, in all cases, they must be satisfied with its correctness. The character of the witness for skill and integrity might be

such that his bare statement would carry conviction with it ; but the testimony of an expert must undergo the same ordeal, and be subjected to the same tests, as that of other witnesses, and due credit and effect were to be given to it, to the extent that the skill, learning and experience of the witness, his opportunities, his knowledge of facts necessary to the formation of a reliable opinion in the particular case, and his apparent candor and truthfulness justified. The reasons and authority for the opinions of witnesses, where opinions were competent, were proper subjects of consideration by the jury ; especially was this so when, as in this case, there was a conflict in the testimony of such witnesses.

All the medical witnesses agree that the prisoner was of a low grade of intellect, which of itself did not excuse from legal responsibility for crime ; but they did not agree in respect of his sanity or insanity. Some of the witnesses on the part of the defense were of the opinion that the accused was, at the time of the commission of the offence, " a subject of monomania, or insane impulses," that " he was not a sane man." It was proper to say that these witnesses, although highly respectable physicians, had not made the study or the cure of mental diseases a specialty. Another witness, for many years connected with an asylum for the insane, also called for the defense, speaks more cautiously ; but gives it as his *impression* that he was insane ; that he was partially imbecile ; that he " seemed to have exhibited a desire to burn buildings ;" but said " it was not impulsive insanity ;" " his moral faculties were effected to a great extent, and he had but little moral sense, and he seemed to have a disposition to burn buildings." This witness discovered no evidence of delusions in the mental exercises of the accused, but thought he was under the influence of uncontrollable impulse, and that it arose " from a perverted condition of the moral faculties of the mind, with a propensity to burn ; his intellect was feeble, and probably at the time the propensity was uncontrollable."

On the other hand, witnesses of large experience in the treatment of the insane, and among them Dr. BELL, lately and for many years at the head of the McLean Asylum, in Massachusetts, and eminent

in his profession, occupying a place in its front rank, unhesitatingly declares the prisoner to be sane. The witnesses upon either side were not understood to have discovered, or to testify to any particular manifestations of disease affecting the knowing or reasoning faculties, or that the prisoner labored under any delusions which ordinarily attended the exercises of a diseased mind, and which were regarded as evidence of a partial or total loss of memory or judgment.

The defence was made to rest mainly upon the ground of *moral insanity*, so called, which under that name had but recently found a place in any of the classifications or divisions of insanity. That the moral affections might be and frequently were perverted or impaired by the same diseases, or other causes, which affected and impaired the reasoning faculties and the memory, was not doubted. But "moral insanity" as a distinct manifestation, apart from any derangement of the intellectual faculties, or any disease affecting the mind, had not been and could not be with safety recognized, by the law, as exempting its subjects from punishment for their unlawful acts. Certainly this could not be done until science should be able to do what it has not yet done,—describe its characteristics and manifestations, and define its evidences, and the rules by which its existence could be ascertained and known. It should be capable of being distinguished from moral depravity. Men of science, for the convenience of investigation and discussion, might subdivide and classify these subjects as they pleased, and distinguish their divisions by any nomenclature which might be convenient, and no harm could ensue; but when courts and juries were called upon to apply the principles and deductions of science in the process of judicial investigation, it was indispensable that their tests should be such as were capable of being appreciated and judged with some approximation to certainty; that is, the deductions and conclusions of science which are to control judicial action, and be influential in the administration of justice, should be the ascertained results and consequences of facts proved, judged, and applied, according to the well-established principles of the particular science involved. Some of the witnesses had spoken of a

moral mania, of which an individual might be the subject, and by which he might be impelled to the commission of crime ; but juries could not, with any safety, regard a maniacal impulse of this description as absolving from the consequences of crime, in the absence of any evidence of a lesion of the intellect and reasoning powers, or of some derangement or disease affecting the mind and judgment ; and for the best of all reasons, that there could not, in the nature of things, be any satisfactory evidence of any disease or derangement of the functions of the individual, which could convince a jury that the act was not the deliberate and voluntary act of the party, his mind assenting to it. The existence of the impulsive mania could only be proved by the commission of the acts which it was sought to excuse, which would be no evidence at all ; and the jury could never know, even should it be conceded that such a "moral mania" might and did exist, whether, in a particular case, the acts were the result of this impulse, or the fruits of a wicked and depraved mind. Courts and juries, in the attempt to determine the existence of moral mania, or irresistible impulse, apart from mental disturbance and derangement, as evidenced by the well-known symptoms of mental diseases, as an excuse for crime, would become bewildered and lost in the labyrinth of scientific niceties and fanciful theories. But when called upon to consider the subject of insanity, regarded as a derangement of the intellect, a mental disease, or the manifestations of disease affecting the mind, whether the moral powers were or were not impaired or perverted, they were not entirely without the means of arriving at a satisfactory conclusion, with the aid of intelligent and experienced medical men, and in the exercise of their good judgment.

There were tests by which the presence and influence of mental disease could be, with reasonable certainty, determined, and by which simulated could be distinguished from actual insanity. Although the symptoms of real insanity were not so definite and unequivocal as to preclude the possibility of all mistake on the part of unskilled judges and juries, yet they had become so well understood through the efforts and observations of learned and skillful men, and some of

them were so well marked, that with proper caution they might be safely acted upon, without danger of serious harm to the administration of criminal justice. But this was not so in regard to "moral insanity," as that term was (perhaps improperly) ordinarily used, and as distinguished from insanity proper. If it exists at all as a disease, or functional derangement, rather than as the manifestation of a depraved mind, science has not yet discovered or promulgated any rules by which its presence or absence can be known. The law, in determining the responsibility of a party arraigned for crime, could only look at the mind and see whether or not an intelligent will had consented to the act; and if the accused was in the possession and exercise of memory and intelligence, and knew that the act was wrong, and that, if detected, he would be subject to punishment, and had the requisite judgment and will to compare and choose between the gratification of committing the act accompanied with the risk of punishment, and immunity from punishment by abstaining, he was responsible for his acts.

To put the proposition in another form: if the accused had sufficient mind and memory to know and recollect the relation between himself and others, and that the act which he was about to do was contrary to justice and right, injurious to others, and a violation of duty; that is, if he had a knowledge of right and wrong in respect to the *particular act*, then he should be held accountable to the laws. On the contrary, if the mind was diseased, and the reason and judgment overthrown, so that the act was in reality the result of irresistible or uncontrollable impulse, or of delusions acting upon and affecting the reason and judgment, then it might be said that it was not the act of a voluntary agent, as in that case the mind did not concur in the act, and the party was excused.

The Judge then commented upon the evidence bearing upon the question of the insanity of the prisoner in detail, and suggested that the medical witnesses, who favored the idea of the insanity and consequent irresponsibility of the accused, appeared to think that the particular form of the disease resembled that called *Pyromania*, which was evidenced by a morbid propensity to incendiarism, and

which it was claimed existed when a person otherwise rational was impelled irresistibly to the commission of this crime :—that this case was open to remark in this particular,—that in every instance in which the prisoner had fired a building, the act was traceable to motives of hatred, and a desire for revenge upon some individual for an act really committed by that individual, offensive to the prisoner. When every act of incendiarism could be traced directly to a *motive* which would be influential with a *bad man*, and such as not unfrequently, if not ordinarily, influenced men in the commission of like crimes, and when, in no instance, the torch had been applied from mere love of burning, it would not be safe to excuse the party, simply because the motive might, to the jury, seem inadequate. So long as there was no delusion, no loss of memory and judgment, and the party sought the very usual method of wicked men to gratify revenge, and resorted to the same means to conceal the evidences of his crime, he should not be excused upon any theory of moral insanity, or by reason of any sympathy, which would be entirely misplaced. The Judge then submitted the case to the jury, with the remark that it was their peculiar province to determine whether or not the “prisoner was, within the rules thus imperfectly laid down, responsible for the act, and therefore guilty of arson.”

On reviewing the testimony as given it appears evident enough that Speirs committed the arsons charged upon him,—the firing of the central building of the Asylum, and the firing, four days afterwards, of the Asylum barn. His own admissions and confessions, aside from the direct proof, abundantly show the truth of the indictment as to the mere matters of fact. The whole case, as presented to the jury, turns upon the question of the legal criminality of the acts committed by the prisoner, which depends entirely upon his sanity when they were committed.

No record of any kind is produced on the trial to show that Speirs was an insane man when he was first committed to the Asylum. There was an order of the Court, or of some Judge, to warrant the commitment ; but it is very questionable indeed, whether, on any

occasion, any suitable legal proof was ever adduced that would justify a jury in finding that he was insane. The simple fact of his having been committed to the Asylum as an insane man, may be a presumptive proof that he was so ; but such commitments are often made in a loose way, upon the solicitation of friends, from motives of humanity, from a desire to avoid the exposure and expense of formal trials, and to get quietly rid of a case that may prove troublesome.

But allowing that there was sufficient satisfactory evidence of his insanity to warrant his confinement to an asylum for the insane, it appears that from the moment of his confinement to his discharge by a judicial order in 1856, he was never considered as insane by any superintendent or assistant physician of the Asylum. His commitment seems to have operated, in a summary way, as a cure for his disorder.

After his discharge as a restored and cured man, he was employed about the Asylum in such duties as are usually intrusted to sane persons to perform. He had acquired during his stay a knowledge of reading and writing, and a tolerable facility as a compositor in the printing-office. He was an outside messenger, and carried and fetched the mails to and from the city post-office. So little was he mistrusted as a pyromaniac, that he was not forbidden from those parts of the Asylum where there were open fires and lights. On the whole he seems to have behaved well, until he escaped with the keys of the dining-room, and went out West.

From his own admissions, and from the evidence of others, it appears that almost every arson committed by him is traceable to a motive of revenge or pique. There is no trace of a maniacal delusion or hallucination. All his impulses to crime were the ordinary impulses that instigate bad men. His attempts, while in jail, to simulate insanity, by offers to set fire to adjacent buildings, and by the writing of ballads to blazon his crimes, amount to nothing but aggravations of his wickedness, and were mere efforts to screen himself from punishment. His intellect was of a low grade rather from defective education than from natural bent. He went to the Asylum entirely untrained, but there he learned to read and write with at

least common facility, and to set type ; and all this too, after he was an adult. Such improvement does not betray imbecility, but rather betokens brightness and aptness of the intellectual faculties. The difficulty seems to have been that he was not fully indulged in all his wishes. He desired to aid in making paper balloons for a festive occasion, and was denied ; his keys were taken from him, for cause, and he was provoked ; he swore occasionally, and was reprov- ed. Such incidents are apt to incite untrained men to vengeful acts.

Speirs' particular pique was against the superintendent, who took away his keys, and the assistant physician, who would not allow him to help make the balloons. They occupied the central building, which he first fired. Their furniture, clothing, books, and other personal effects were there. To fire the wings would not avenge his injuries upon them ; to fire the central building might ; so he fired that. Their effects being then stored in the barn for protection, he fired the barn too.

The medical testimony in the case is partly the testimony of experts, and partly that of inexperts. There is no pretension on the part of some of the medical men that they are experts in insanity. Of the experts proper, Dr. Ranney favors the defense of insanity pretty strongly, while Dr. Cook, Dr. Gray and Dr. Bell do not hesitate to affirm the sanity of the prisoner at the time of the commission of the arsons, and at the time of the trial. The weight of the testimony of experts is decidedly against the prisoner, and the jury, as well as the judge, seem to have concurred in their opinions. So do we. There is no insanity in the case ; but there is considerable wickedness and depravity, and of a sort punishable enough, and which we fear has not received, by the sentence of the court, quite its full desert, although we are willing to allow the benefit of the doubt, and let the culprit off with the correction that the law has awarded, inadequate as it may seem.

The defense of *pyromania*, as a distinctive phase of insanity, brings it within the category of *moral insanity*. The position of this journal on that question, considered as a legal one, is well known by all its readers. Considering maturely all the investiga-

tions and proofs heretofore made to establish it, and weighing them according to the best of our ability, we are still skeptical, and disavow moral insanity, in a criminal aspect, as any thing distinct and divisible from insanity general and proper as recognized by the law of the land. We fully allow any form of insanity, in all its diversified phases, as a suitable shield to protect its victim from human punishment; but it must be insanity, according to law, and legally proved, and no vagary of the fancy or imagination. In times when positive philosophy, animal magnetism, spiritualism, free love, sensualism, fatalism, and heresies of all sorts are generally rife, to the possible destruction of every virtue which God commands, and which humanity has been struggling to enforce for eighteen hundred years and more, we are disposed to set up a stern opposition to doctrines of whatever plausible appellation, physical, physiological, psychological, spiritual, legal, medical, moral,—any thing but Christian,—that tend obviously to overthrow the conservative labors of the same eighteen centuries, and thrust man back into the condition he was in before Christ was born. *He* knew, omnisciently, that man was prone to be bad; and that bad men should be punished by human as well as by divine tribunals; and that actions which are now sought to be covered by such cloaks of defense as pyromania, kleptomania, and the like, are in themselves generally bad and indefensible actions,—the offspring of unrestrained wills, sinful inclinations, and uncurbed evil dispositions. We think it our duty to stand up manfully against all delusions, theories, and fancies whatever, that, violating the positive knowledge and experience of past generations, and conforming to the yeasty humors of our own, tend to disturb the good order and regimen of society, and let loose upon goodly disposed men, to their confusion and overthrow, the vices and violence of the badly disposed. It is timely to interpose such cautions to juries, as Justice Allen has interposed in this case of Speirs, against defenses that make a regular course of crime, from the burning of a barber's shop to the burning of a noble and costly building, devoted by public munificence to a great charitable purpose;—a course marked by vindictive motives from instance to instance, and showing

a tuition and gradation in evil purposes from little to great ;—defenses that constitute a regular apprenticeship in crime the proof of insane tendencies, of irresistible impulses, and the offspring of physical disease which does not really exist. It is timely, we reiterate, to interpose the judicial authority against all such miserable perversions of sound science, truth, and justice. To set up insanity as a common excuse for all iniquity is to destroy our respect for it as a suitable plea for acts committed by those whom God has seen fit to afflict with an infirmity that has always commanded enlightened human sympathy and protection. But for judicial interference, the commission of a bad act, and more especially the commission of a *series of bad acts* running through the whole catalogue of depravity, would soon be deemed the highest proof of insanity. We should speedily get back into the Spartan way of considering crime commendable in proportion as it is successfully concealed by a cloak of some sort ; a *habit* of doing wickedness in some particular mode, the uniformity of which shall make it a mania ;—so that a habit of theft shall be *kleptomania* ; a habit of arson, *pyromania* ; a habit of murder, *homicidal mania* ; and thus to the end, until all crime shall be nothing but *mania*.

This tendency to shelter guilt under technical names and forms, and under the nomenclature of scientific distinctions, useful enough in their way, is utterly subversive of divine and human codes of law ; and we rejoice in every instance when such an attempted subversion of them is put down by a strong arm, legally nerved for the purpose. Let insanity have a full, broad, and very humane protection ; but let not the simulation of it, or the evil habitudes of bad men, who would immolate, by chance, five hundred human beings at a blow, exempt the culprit from the full measure of punishment for such an act. Speirs was evidently prompted by the ordinary motives that control sane men, reckless, improperly tutored, and who give the reins to all their natural revengeful impulses. He began by burning petty shops to avenge trifling wrongs, and ended by burning his own palatial shelter to avenge wrongs quite as trifling. He was careful to commit his final crimes in the light of day, and thus cun-

ningly to secure immunity from a penalty which he seems to have amply deserved, by placing himself under the legal protection of a subordinate degree of arson which is punishable by imprisonment only, when his offense was really worthy, in our judgment, of the severest vengeance of the law. *

GALLIC ACID IN PURPURA HEMORRHAGICA.

April 14, 1858. W. F., a case of dementia of two years standing; following a year of maniacal excitement. Has been enfeebled and anemic during winter and spring: debility such the past three weeks as to keep him in bed. Two months since was put upon Huxham's tincture and the citrate of iron, which he has continued to take up to the present date, but with no apparent benefit.

On the 14th inst., was attacked by severe pains in the legs and back,—in latter especially over region of kidneys; loss of appetite, gastric derangement, and sore throat; gums and mouth were tender, and bled easily. At present circular spots of a dark-purple color are numerous distributed over both legs; on right calf a large ecchymosed patch is the seat of much pain; over right knee, a livid blotch is accompanied by swelling, and an apparent disposition to the formation of abscess. Pressure on legs, or attempts to flex them, occasion him much distress. The urine has the dark coffee color, and characteristic appearance of hæmaturia.

Discontinued tinct. cinchonæ comp. et ferri citrat.

℞. Calomel gr. iii, pulv. Doveri, gr. v. *ter in die*.

April 16. Great prostration; pulse quick and feeble; face blanched, and expression anxious. During night has bled freely from gums. Is this morning slightly salivated, although he has taken but twelve grains of the submuriate.

Discontinued calomel and Dover's powder.

Ordered Bell's gargle for mouth.

℞. Acid. Tannic., gr. v. *ter in die*.

April 19. Ptyalism subsiding, as well as the œdema of the face,
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