

TRIAL OF SAMUEL M. ANDREWS

FOR THE

Murder of Cornelius Holmes.

BY EDWARD JARVIS, M. D.*

Samuel M. Andrews was born in Plymouth, Mass., where he lived until he was twenty years old. Then he went to Kingston, where he worked in a small cotton thread mill as an operative and overseer until May, 1868. He had small wages, amounting, in the later years, to about thirteen dollars a week.

Through all his life, in Plymouth and Kingston, he had sustained an unblemished reputation, and presumptively an unblemished character. He was reputed to be industrious, honest, faithful and conscientious in his dealings. He was amiable, humane, mild, calm in his temper, gentle in his manner, disciplined, not excitable nor irritable, and very timid. He was generous perhaps to a fault, ready to watch with the sick, to show attention to the aged, and favors to his friends.

He was a member of the orthodox church, had been one of its deacons for two years, and also treasurer of

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the parish. He was much devoted to its interests, and looked after its spiritual and financial welfare with anxious watchfulness, and zealously coöperated in all the measures taken for its sustenance and growth. He was a teacher in the Sunday school. He attended faithfully teachers' meetings, prayer meetings, social gatherings and sewing circles, connected with his religious society.

He was early married, but has no children, and for some years his wife has been a confirmed invalid. Several years ago he bought an uncompleted house, in which he finished room after room as he had means. He owned a small piece of land sufficient for a garden, connected with the house. He cultivated this, mostly with his own hands, before and after his work at the mill, where he was employed from early morning until evening, and had often worked extra hours very early in the morning. He took boarders, and with the profits on these and his wages at the mill, he lived comfortably.

His house and land were estimated to be worth three thousand dollars. There was no incumbrance on either, except a mortgage upon which one hundred dollars remained unpaid. Yet he owed near two thousand dollars, for which he had given only personal security. He seems to have been in good credit among his townspeople, of whom he had borrowed. His principal creditor testified, in court, that Mr. Andrews owed him more than a thousand dollars, for which he held no other security than his note, and he wanted no more.

He was not reputed avaricious. He had sufficient means of living. He was engaged in no schemes, nor speculations, nor had he any plans of business that required money, beyond the current expenses of his family, and some improvements of the church.

With his small but regular and sure earnings, his simple tastes and few wants, and inexpensive manner of

life, he seems to have been contented, easy in his circumstances, and without embarrassment or occasion of anxiety.

His accounts as parish treasurer were accurately but unskilfully kept. He had advanced near one hundred dollars in payment of the minister's salary, beyond what he had received from the parish. With some others he had been appointed, by the parish, to superintend some alterations of the church, and in advance of collections or receipts from other sources, he had borrowed money, on his personal responsibility, to meet the cost.

Mr. Andrews was physically rather a slight man, five feet five inches and a half high, and weighing apparently about one hundred and thirty-five pounds. Though subject to headaches and sometimes to severe neuralgia in the eye and brain, for which he sometimes took morphine and oftener took ether, yet he was able usually to do his light work at the mill. He was naturally nervous and quick in his motions, yet calm in mind, generally cheerful, but often depressed. With his full work at the factory, and his early and late work at home, he made long days of labor and took but little sleep.

He belonged to an insane family, in which the mental disease had been transmitted through four generations. His great-grandmother was insane. Of her six children, only one, his grandmother, was sane, and her other five children, his great uncles and aunts, were insane. One committed suicide, and another exhibited homicidal tendencies. His mother was insane for more than two years previous to his birth, and afterwards, until her death in 1860, in an insane hospital. She was naturally of a happy temper, and her son resembled her in character. Soon after her insanity, she betrayed homicidal mania. Another son, a brother of Andrews, died insane in California.

Cornelius Holmes was a member of one of the oldest and most respectable families of Kingston. He had a strong physical frame, weighing about two hundred and twenty-five pounds. He was full six feet in height, and fifty-three years old at the time of his death. Although he belonged to a family of great intelligence and energy, and of large administrative ability, he had never engaged in business. His father, at his death in 1863, left ten thousand dollars in the hands of trustees for his benefit, the income only of which was at his disposal. From a brother, who died suddenly in 1867, he received for his share of the estate about seventeen thousand dollars.

His father died in April, 1863. Having been long intimate with Andrews, he found a home in his family in the summer thereafter. He boarded there until May, 1866, when he took up his abode in his own house, in the family of Capt. Leach, where he remained until his death.

Holmes was a member of the Baptist church; he felt a deep interest in its prosperity, and was sensitively jealous of its good name. The only difference that existed between him and Andrews, was in their almost exclusive interest in their respective churches.

Holmes was timid and unwilling to go abroad alone. He often took Andrews with him in his visits to Plymouth and Boston. Sometimes they staid over night together in the city. On these excursions, Holmes always paid the expenses of his companion. He made Andrews his especial confidant, and consulted him about his plans. He entrusted him with his secrets, and with some of his property. He was fond of silver ware, and bought a large quantity, which he did not use, nor keep in his own house. He left most of it in charge of Andrews, because he said he thought it more safe to distribute valuable property in different places.

He was in the habit of carrying his money, which sometimes amounted to large sums, on his person, and often mentioned the fact to Andrews.

Being much attached to Andrews, he made him very many presents of clothing, furniture, and silver ware for his table, and at several times said he intended to favor him in the final disposal of his estate. Within a few months after the death of his brother, he made his will. He seems to have kept this matter prominent in his mind. He talked much about it with Andrews and his family, but not much with his own relatives. He said his own family were already rich, and he did not wish to add to their wealth, but would give his property to such as needed it, or as he had a personal interest in. He gave a thousand dollars to the Baptist church, and some other legacies to friends, and divided the residue between Andrews and a favorite nephew, who were made the executors. The will was left in Andrews' possession.

Andrews' house is on the principal street of Kingston village. There are other houses on either side and opposite. His garden is back of his house. A footpath leads northerly from the street near Andrews' house running back of his garden to the railroad station and an important store about half a mile distant. A lane or cart-path from the street a few rods east of Andrews' house, runs obliquely and northwesterly to farms and lands in that vicinity. This lane and footpath are the common routes for those who live on the street and own lands in that direction, or are on their way to or from the railway station and the store. This lane crosses the footpath about two hundred yards north of Andrews' house and the street.

At about the same distance from the street northward is a new cemetery, laid out and ornamented with much

taste, and preserved with great care. The footpath before mentioned passes through this cemetery and the lane touches at its border, and these cross each other at its corner.

Both Holmes and Andrews were fond of flowers, and seem to have taken great interest in this cemetery. They watched all the improvements and frequently visited it. Andrews was in the habit of spending much time there, especially Sundays, reading and preparing for his Sunday-school class, in the warm season.

Holmes asked Andrews to visit him at his house, on Monday or Tuesday, the 25th or 26th of May, 1868, for he, H., was going to Boston, and wished to consult him, A., as he had generally done on such occasions, as to some purchases which he proposed to make himself and also as presents for Andrews. A. was occupied and could not go, but wrote this note on Tuesday to him:

FRIEND CORNELIUS.—You asked me to come down to see you before you went to Boston; but it was not so that I could come down last eve, and don't think I can this eve, as I shall have to work in my garden as long as I can see. If you want to see me for anything particular you can take a walk up. Shall be around until half past eight. Shall then go down to the store.

Yours truly,

S. M. A.

This note was found in Holmes' possession after his death. In the evening, while Andrews was working in his garden, Holmes came to him, and they remained there together until it was dark. While they were there, one man called and did some business with Andrews, and another was walking in the adjoining garden with no fence between them. This is the last that was seen of Holmes, except by Andrews, and the last that is known of him except through Andrews' statement.

Andrews made a confession of his connection with

Holmes after they left the garden, and published it in the papers. He made a statement of the same to his counsel at various times, and to Dr. Jarvis in prison, and gave his testimony at his trial in court. All these accounts of the transactions between him and Holmes, after they left the garden, agree with each other. The published confession was not brought up at the trial to contradict him. There is no discrepancy in any of their parts, except that those given in private conversation are more full, in some of the particulars, than those made in public.

Mr. Andrews says that Holmes, one evening in 1859, visited him, Andrews, at his house, and proposed remaining over night. As Mrs. A. was away, H. proposed sleeping with A., to which he consented. Soon after they were in bed, H. attempted to commit sodomy upon A. He sprang from the bed and sat on the sofa. Then H. professed great sorrow, and promised never to repeat the attempt. Again, when at the Tremont House, in Boston, they slept in separate beds; but early in the night, H. came to A.'s bed and made a similar attempt, which A. resisted and escaped. The same thing was attempted on another occasion, at a boarding house in Boston. They were the next night at the house of Andrews' sister, at Newmarket, N. H., but there Andrews refused to sleep in the same room with Holmes.

When it became too dark to plant in the garden, on the evening of the 26th of May, Holmes proposed that Andrews should go with him to the cemetery, which was near by, and look at some lots that had been recently laid out. They went to the cemetery, looked at the lots, and then for a few minutes sat on the stile where the footpath enters the cemetery. They then took the lane to return to the street. While in the

lane, Holmes proposed to Andrews to walk the other way down the road, and led him into the thicket, behind some bushes or trees by the wayside, Andrews supposing he was coming to another road a few feet distant. As they entered the thicket Holmes threw Andrews on the ground on the grassy bank of the lane, and stooping or leaning over him, with his left hand he grasped A.'s long beard, and pressing upon his neck held him firmly to the ground, while with his right hand he opened A.'s pantaloons and drew them down, and forced his hands between his limbs and next to his skin.

Andrews struggled, but could not escape. Seeing the terrible nature of the attack, he thought he would rather suffer death than permit H. to accomplish his apparent purpose, and he must prevent it at any cost. Having free use of his arms and hands, he seized a stone and struck his assailant wherever he could reach him. He thinks he struck Holmes a second time as he was rolling off the bank. From that moment he, Andrews, lost all consciousness. Of what he did then he has no knowledge, nor can he tell how long he remained in this unconscious state.

The next that he remembers is, that he found himself standing, swinging his arms, holding two stones in his hands, and throwing them at Holmes. He had a feeling of great exhaustion, as if he had passed through great labor. His hat was off. His pantaloons were open and down. His hands and clothes were bloody. Holmes' dead body was before him. He adjusted his clothes, picked up his hat, went to a pond near to the place, washed himself as well as he could, and then returned to his house.

His first thought was to confess the whole, but in consideration of his wife, who was then sick in bed, he

hesitated, and let the opportunity pass by. And, moreover, he thought that the killing would be considered murder by the law, and death on the gallows the penalty.

In this doubt and fear, utterly exhausted in body and agonized in mind, he assumed his ordinary manner as far as he could, and talked on the usual matters with his family and with some ladies who were then attending a social meeting at his house. Again, the next day, after the discovery of Holmes's dead body, he tried to act the part of innocence with his neighbors and friends, and appear unconscious of any participation in the events of the evening previous, which were then absorbing the thoughts of all the people. Thus he lived a life of falsehood until the next Monday, when he made a confession and explained the whole as above written. In the night after the homicide, he says, the thought of the will first occurred to him, and then he felt that it would be certain death to him if he were to make the confession.

Early in the morning of Wednesday, the 27th of May, a neighbor, going with his man from his house on the street through the lane to his usual work on his farm, discovered the dead body of Holmes in the road. It was cold. There were several wounds in the scalp. The head was very much battered, broken and bloody; the brain was partly exuded. There were many stones, bloody; one man counted twenty-seven of these. Twelve were weighed—four to twelve pounds each. There were some pools of blood on the ground, and under the head the ground was saturated with blood.

His clothes were not unbuttoned, and nothing unusual was discovered beyond the bodily injuries. Large sums of money, amounting to seven hundred and forty-four dollars, his pocket-book, wallet, knife, some papers, &c., which he usually carried, were all found in his

pocket. Many persons present, when the body was removed, aided in its removal. Several helped to remove the contents of the pockets. As they were handling his bloody person, it seems natural that the hands of some of these were soiled and carried the blood into the pockets and left the stains which were afterwards found in them.

Dr. H. J. Bigelow, Professor of Surgery, and an accomplished anatomist and surgeon of Boston, was called, and examined the body in Kingston, and afterwards made a preparation of the skull, which was exhibited at the trial. The pamphlet report quotes Dr. Bigelow:—"The wounds were principally on the back of the head and mostly on the left side. A short distance above the right ear there was a detached wound. The upper lip was cut through. The scalp was very much torn, the head very bloody, the wounds in the line of the neck up and down the body. Besides this, the scalp was badly torn. You could pass your hand under the scalp and feel loose bones, some of them driven into the brain. I counted eleven detached pieces of the skull. Blood was found all over the surface of the membranes of the brain. The membranes of the brain were torn, and the brain largely torn underneath. There was a laceration of the substance of the brain, opposite the principal wound, on the left lobe of the brain." "The wounds were made by some blunt instrument; by stones as likely as anything. The state of the skull indicated repeated blows. The blows, judging from the appearance of the back of the skull, could not have been made upward, but must have been made when the skull was below the party striking. This was indicated by the longitudinal wounds on the skull." "A separate wound was on each side of the head, indicating that they were inflicted from different directions."

“Half a teacupful of brain may have been gone, perhaps less.”*

The blows were struck from above downward. Andrews, being much shorter than Holmes,† could not have struck these blows from above downward, if they were standing, face to face, on the same level of ground. But if, as Andrews represents, he was lying on his back and Holmes leaning over him, either stooping or on his knees, with his left hands on A.’s neck and his right at his pelvis, his head being above and nearly over A.’s chest, then a circle described by A.’s arm would reach H.’s head; and a blow struck, with the hand or with a stone in the hand, would impinge on the head at or near the top, and its force would be continued downward towards the neck. Andrews’ right arm being the more vigorous and active, and opposite Holmes’ left side, made the severer wounds on that side of the head.

Since his confinement in prison, Andrews has preserved his previous and habitual calmness and serenity; subject, however, to his former headaches and neuralgia and some mental depression. He has also suffered from dyspepsia, in consequence of want of exercise and perhaps of change of diet. Once he had false hearing, and thought he heard the voices of men threatening to do him injury.

When I was talking with him in company with his counsel, he spoke of his unconsciousness during the conflict with Holmes. One of the counsel asked me if

* Plymouth-Rock Pamphlet Report of Trial, p. 13.

† According to the State Prison Records, Andrews was five feet and five and a half inches in height and weighed one hundred and twenty-four pounds. He says the most he ever weighed was one hundred and thirty-five pounds. Holmes was six feet high, and was estimated to weigh two hundred and twenty-five pounds.

that was not insanity. Andrews, hearing this, said, "No, it was not insanity; it was all blank to me, and has been so ever since, but I have never been insane. I have always determined I never would be insane." I asked him "why he had thus resolved, why he had put himself on his guard against this disease more than against others." He said, it was on account of the insanity of his mother and family. He knew he was more liable to it, and had guarded himself against everything that might disturb him and produce it, and he thought he had succeeded. I asked him, subsequently, "if he had ever felt himself in any danger." He said, many times he had had feelings, emotions, wayward thoughts, which he perceived would, if indulged, lead to mental disturbance and disorder, and he always suppressed them and saved himself.

Andrews manifested the natural and common sorrow for the death of his friend and for his agency in it. But although he confesses the fact of his striking the deadly blow, he expresses no remorse and seems to feel no compunctions of conscience. The first blow was in self-defence; this he says he remembers. In this he was a free agent; but of the subsequent facts—the manifold blows—he has no consciousness; he had no voluntary agency in, and feels no responsibility for them. Hence his calmness and self-possession, which are usual in such cases.

Most of the facts and circumstances in this history were established by manifold witnesses. The others, and those alone of any interest here, relating to the conflict in the lane and his state of mind during the latter part, depend almost exclusively on the statements of Andrews himself; but he is corroborated by the analogy of similar cases that have been quoted in the paper on *Mania Transitoria*.* And a close examination and nice

* Journal of Insanity, July, 1869.

analysis of his account show its consistency with the facts that are otherwise known, with his character and hereditary predisposition, and with the laws of insanity.

When he was attacked and thrown down, he made a natural and sane effort to escape. In this he did what the law permits, and endeavored to overcome his assailant by force. The court said that, in such attacks, a female is justified in resisting even unto the death of her assailant; and a man may resist even to the injury of his assailant sufficient for his escape, but no farther.

What degree of injury was necessary in this case is not known. Andrews was lying on his back, held there by a man heavier and stronger than himself. He says he felt that Holmes was resolutely in earnest, and he must escape from the assault at whatever cost. He strove with all his power, but he could not shake him off. He was intensely agitated with fear and indignation. He had no means of defence, except the stones that were all around him; but he had no opportunity to select such as would inflict just that amount of injury that would compel his antagonist to release him. It was dark; and if it were light, he was held by his head firmly to the ground, and he could not turn his head to see the size and shape of the stones. He could only use his hands to pick up whatever was within their reach. Nor was he in a state of mind so to adapt and measure the force of his blows as merely to disarm his adversary, but inflict no further injury. Certainly he remembers striking one and perhaps two heavy blows, but no more.

Andrews was probably intensely and morbidly excited. Yet so far he is presumed to have been sane; so far he had done just what any other man in his position would, and so far he is justified by the law. But here his consciousness failed, and here insanity began. The

attempt at sodomy—the grossest attack that can be offered to a man of his sensitive nature—was too powerful for his brain, naturally weakened by his hereditary predisposition, to bear. It threw him off his balance and into a paroxysm of mania. Between the last consciousness, when he struck the first or second blow in self-defence, and the next consciousness, when he found himself standing exhausted, throwing stones with each hand, there was an interval of uncertain duration. How long this mentally blank interval was, and what he did in that time, he does not know. This is only a matter of inference from the condition of Holmes when discovered.

Holmes was not only killed, but he had been beaten many times on the head; his skull was pounded so much that eleven pieces of bone were separated from their connections, by rough instruments, and a part of the brain was crushed out. Twenty-seven stones were bloody, but whether they became so by being used as mallets in the hands of his assailant, or by the blood running on them from the wounds, cannot be known. Nor can it be known whether Holmes made any resistance, or whether he rose after the first blow. Blood was in the spot where the head lay, it was on the ground of the opposite side of the cart-path, farther down the lane, and on the stones scattered about at extreme points, stated to be thirty feet apart.

As the facts present themselves, here was murder of the most atrocious kind, and Andrews' confession of what he remembers, and circumstantial evidence, show him to be the sole agent in this work.

VERDICT OF THE JURY.

The court instructed the jury to weigh all the evidence, including that of Andrews, to give each part

such measure of credit as they should deem to be due, and from this determine whether Andrews was the agent, and if so, whether in that agency he was guilty of murder in the first degree, premeditated and malicious, or of murder in the second degree with palliating circumstances, or simply of manslaughter with circumstances of still greater palliation, or of justifiable or excusable homicide.

The jury agreed upon a verdict of manslaughter. They accepted Andrews' evidence, that he was attacked, and acted in self-defence. So far he was innocent of crime. So far he had a legal right to go, but only so far as necessary to enable him to escape from his assailant. One or two blows, such as appear to have been struck with the stones, were probably sufficient to disarm Holmes of power. These alone were allowable and justifiable; all beyond these was guilt. The farther beating, the mangling of the scalp, the crushing of the skull, were not necessary for his escape. These constituted his guilt in the minds of the jury. They held him liable for excess of violence, in heat of blood under the provocations alleged by him.

All that distinguishes this manslaughter from murder in the first degree is the fact that Holmes first attacked Andrews, and that Andrews defended himself, and all the evidence the jury had of this fact was Andrews' own statement. So far they believed him to be a credible witness.

But the same witness testified to the second fact, that after the first or second blow he lost all consciousness, that he had no knowledge at the time of what he was then doing, and he has not since had any recollection of his doings between the time when he struck the first blow and the time when he found himself standing over the dead body of Holmes. All the events of this

space—the completion of the killing, the atrocious part of the homicide—occurred while he was in an unconscious state. If he did this—and he does not say he did not, nor does he say he did, for he does not know—he did it by instinct, without intent or will, as an automaton, without self-controlling power to prevent.

The same witness that testified to the first part of the encounter—the attack and the defence, the palliation which the jury admitted, testified also to the second part—the unconsciousness, the irresponsible condition, which the jury rejected. The last is as consistent with the laws of the human brain, and its general liability to disturbance, and with Andrews' special liability to mania under a powerful exciting cause, as the first is with the character and habits of both parties.

The palliation or negation of both parts or degrees of guilt in this case, stands on the same ground. They rest on the same testimony, the same credibility. If, then, Andrews is not guilty of murder in the first degree, he is not guilty of manslaughter. The same credibility of the witness, that took away the charge of premeditation and malice, and reduced the verdict from murder to manslaughter, should have taken away the charge of will or passion, and produced a verdict of "not guilty by reason of insanity."*

Devergie says that he found great aid in the solution of such questions as this, from examining the facts from different points of view—the criminal and the pathological.

1. Assuming that there was guilt, and endeavoring

* It was stated in the *Boston Advertiser* that eight of the jury believed him to be insane, and wished to give a verdict correspondingly, but afterwards compromised with others and consented to the verdict of manslaughter.

to explain all the facts by that theory, while the opposite may present a series of improbabilities which the reason rejects.

2. Assuming that there was mental disorder, and weighing all the facts, in the same way, in that balance.*

CRIMINAL THEORY.

From his beginning until the homicide, Andrews had led an irreproachable life and sustained a spotless character. There was nothing in his life, habits or conversation, that had ever induced his neighbors or associates to suspect that under all that outward fairness there was hidden corruption, secretly cherished and kept alive, waiting for opportunity to turn it to advantage, nor even moral weakness from which he would fall before any fitting temptation. Crime in him would indicate a sudden and violent reversion of all his previous habits of thought and life.

A sane criminal, when he intends to commit murder, has both a purpose and a plan. He proposes to gratify some evil desire of money, revenge or passion. He makes his arrangements to effect his object in a way the surest for his victim and the safest for himself. He prepares some fitting instrument. He selects his opportunity, time and place, when and where there may be the least danger of being heard, seen or interrupted, while in the act, or of being traced after it is done.

Andrews prepared no weapon, but waited until the conflict had begun, and then picked up such as happened to be near at hand, those of the rudest kind, stones that lay on the ground about him. He did not conceal the meeting. On the contrary, he wrote a note appointing the meeting, and left his record in the possession of Holmes, so that they could be traced together

*Annales d'Hygiene et Médecine Légale, 2d ser. tom. xi. p. 410.

near the time and place of the conflict. Moreover they were last seen together by two witnesses in the garden, just before dark. The act was done in a lane and very near a path, over either of which people might at any moment be passing. It was within two hundred yards of Andrews' house, where a company of women were then assembled, and within about the same distance of other houses on the street, and so near that the cries of distress and the sounds of the blows were heard by persons there. No pains were taken to conceal the fact of murder. The body was left in its mangled condition, and the blood and brain on the ground were left uncovered, in the open road.

Holmes was known to Andrews to have carried large sums of money with him. This was found undisturbed in his pocket, which a sane man murdering for money would have taken.

From the time he had property to dispose of, Holmes had professed his determination to give a limited legacy to his church, and the bulk of his property to a favorite nephew and to Andrews. He was pleased with this plan, and seems to have talked of it frequently to Andrews and others. Once, when speaking of the church legacy, it was suggested that he should give more than a thousand dollars to that object. To this he answered that he could alter his will. This appeared to be in reference to this special legacy only, and indicated no thought of materially changing his principal gifts. Nor did he, at any time, manifest any wavering in his purpose to enrich Andrews and his nephew; nor was Andrews, who talked frequently and indiscreetly about the will, ever known to express any fear that Holmes would change his mind, so far as he was concerned.

Andrews had all he needed for his comfortable sup-

port, certainly while his health should last. Holmes was fifteen years older than himself, and, in the natural course, would probably leave Andrews to enjoy his legacy.

The jury, in their acceptance of Andrews' statement of the assault by Holmes and defence by himself, rejected the charge of premeditation, and with it all motive of gain and all influence of the will in inducing him to commit the crime.

It is true that Andrews, for a few days, denied his agency in the homicide, and shuffled, prevaricated, and in manifold ways tried to appear ignorant of the whole matter. This is certainly no proof of innocence; nor is it evidence of guilt. He knew that he had killed Holmes, and he was equally certain that he had not designed it—that the act involved no guilt. But he supposed that neither the people nor the law would make this distinction, and that, if known, he would be deemed a murderer and punished on the gallows.

Stronger, cooler, and more self-possessed men, in similar straits, have weighed in their balance the almost infinitely small chance of entire escape from detection against the probability of mitigation of guilt and sentence, and accepted the worse alternative. It would have been better if Andrews had carried out his first intention and confessed the whole; so he thinks now, and so all, in their undisturbed mental state, think. It is very easy, when free and unembarrassed, to determine what should be done when difficulties present and dangers threaten. But when oppressed with fear, with the gallows seeming to stand before one as the penalty of telling the truth, he may lose his self-possession and firmness, his wisdom and his honesty, and select the very path that leads to his destruction. The insane commit this mistake as well as the sane. Esquirol

points this out as one of their liabilities, and says "that sometimes they deny and resort to all sorts of shifts to conceal their connection with their acts and to deceive others."*

So the folly in self-management, after the act, has stamped the charge of guilt on some innocent transgressors of the law, and convicted others of crime in the higher degree who were only guilty in the lower.

Thus, weighing this homicide in the scale of criminality, there are found inconsistencies and improbabilities in every element, except the will and the shuffling immediately after the event, the first of which was rejected by the jury, and the last proves neither guilt nor innocence. All the others are inexplicable on the theory of crime.

PATHOLOGICAL VIEW. THEORY OF INSANITY.

Andrews, born of insane parentage, received and carried in his organization the primordial elements of insanity. He knew his danger of losing his reason and guarded himself against it. He determined that he never would be insane, as his family had been. Many times he had had warnings from internal suggestions, feelings and emotions, which he feared, if not checked, would lead his mind astray, and he always endeavored to suppress them, and he supposed he had always succeeded. His occupation was the most unvarying, and unexciting; and to this, to his family, and to the affairs of the church he exclusively devoted himself. Beyond the church, prayer meetings, social meetings, sewing circles, he had no connection with the world abroad; so that a neighbor, who was a decided believer in his guilt, said that "there was nothing manly about him—he was just fit to go with women to sewing and prayer meetings."

* *Malad. Ment.*, ii. 838.

He was amiable, kind-hearted, tender, honest and faithful, and seemingly completely self-disciplined and self-chastened; nevertheless, at three times he was known to lose his balance and betray his cerebral weakness. Once, at his sister's, he was childish, playful and excited, and neglected his dearest friends. At another time, when a favorite nephew was killed, he lost his usual self-possession and showed an unnatural mental disturbance. And at another, after he had been told of what he supposed to be a disparaging allusion to his friend Holmes, made at a social gathering when he was not present, he was agitated, excited with grief and anger, or disappointment, and lost his self-control for a short time.

He had been much subject to headaches, and neuralgia in the eyes and head. For these he took ether, which he seemed to keep constantly in the house. Mrs. Reed, a member of his family, testified that "he always complained of headache. Had trouble with his eyes three or four times a year. During one day last spring, 1868, he seemed dull; would come in and go out suddenly." He had false hearing in the prison, and delusive imaginations of dangerous threats. His minister, at one of his visits in prison, found him strange, dull, absent minded. "His manner was entirely changed" from that which he usually manifested.

None of these were considered as insanity. They passed simply as singularities, exceptions to his general calmness and to the even tenor and propriety of his life. On each occasion he soon recovered his usual self-possession, and then appeared in his ordinary mental balance.

So far he had lived safely and defended himself from manifest insanity, until that fatal evening, when the extraordinary attack, with its offensive purpose, was more

than his sensitive nature could bear or his self-control resist, and excited his naturally susceptible brain to a paroxysm of mania, in which he killed his adversary.

He does not think he was even then insane, but says that he has no knowledge of what he did in that state.

The sincerity of his statement of his unconsciousness during that conflict is corroborated by his subsequent appearance. He shows no remorse, no reproach of conscience, for the homicide, for he feels no responsibility for his agency in that event. Manifestly and reputedly a man of tender sensibilities, without self-esteem, but self-chastened and prayerful to the day of the homicide, and, so far as human discernment can discover, the same since, he prays for the forgiveness of his sins, but does not hold this homicide among them, nor does he ask forgiveness for that act, for his mind was not in it.

Ordinary murderers repent, or at least profess to repent, and pray and ask the prayers of others, that they may be forgiven for their crime. Insane homicides generally do not feel this need of prayer, for they are not conscious of sin in the act which they have committed. Andrews was calm both in prison and during the trial, so that some, unacquainted with the laws and operation of mental disease, interpreted his quiescence as indifference and hardihood in crime, and as proof of guilt, even of the darkest shade.

Marc, Esquirol and others give as diagnostic elements of insanity, in the violators of the law, all the elements of Andrews' case—hereditary predisposition, sudden outbreak, violence and excessive destructiveness in the paroxysm, sudden return to reason, and quiescence and easy conscience afterwards. And they give, as were quoted in the article on *Mania Transitoria*, many parallel instances, showing the natural liability of the human brain and mind to these sudden and violent reverses of their general character.

The absence of motive, the want of plan and preparation, the unfitness of the time and place for concealment, the accidental and unfitting instruments, the excessive beating and mangling, the indications of ferocious cruelty, and these in connection with his honorable and peaceful life, his pure and gentle character, and even the shuffling and attempt to mislead after the act, are all consistent with the theory of insanity.

Andrews, during his previous life, had been apparently sound both in morals and mind. Under the outward manifestation of soundness it has not been suspected that he carried the seeds of dishonesty in his heart, but he always carried the seeds of disease in his brain, which might, at any moment, under the influence of a strong exciting cause, break out in a paroxysm of insanity.

Men do not suddenly reverse their moral character and plunge at once from the heights of honesty into the depths of wickedness, but they sometimes do pass speedily from apparent sanity into mental disease, especially if the brain be weakened by heritage.

The explanation of this homicide, on the criminal theory, is full of difficulties, while on the pathological theory, it is both natural and easy; and it is rare that we can, with so much confidence as in the case of Andrews, accept and apply the test of Georget, that "a horrible act, homicide or arson, without cause and without motive of interest, by one of previous honorable character, could only be the result of insanity."^{*}

* Quoted by Castelnau, *Ann. Hyg.*, xlv. 444.

NOTE.—This account is taken from the testimony in court, at the trial, the whole of which I heard; from personal interviews with Deacon Andrews in prison, from conversations with persons in Kingston, both those who believed him guilty and those who thought him innocent of murder, and from a personal examination of the scene of the homicide.

E. J.

