THE MEMPHIS APPEAL.

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MEMPHIS APPEAL

TUESDAY, : : NOVEMBER 1, 1881

GUITEAU AND INSANITY.

The approaching trial of the assassin Guiteau has a profound interest for the people of the United States, from their relation to the fearful crime. That the criminal may have a fair and unbiased trial is the desire of every intelligent and honest man. If he is a maniac not accountable for his actions he must be treated accordingly, much as such a decision from the jury would clash with the national feeling of indignation against him. His plea will be insanity, and this fact will give added importance to the legal aspect of his trial. That much wrong has been done, and many even vilely criminal have escaped the just retribution of their deeds on just such a plea, is a notorious and deplorable fact. In the case of Guiteau the plea of insanity will not be allowed to be abused. A nation of outraged people is looking on, and will be put off with no impudent fictions. That plea will meet, in this instance, with a full and fair investigation, and that it may do so the best counsel that can be obtained should be appointed to defend the accused man. If that is done, the decision as to what constitutes insanity, in this case, will relieve a murderer from responsibility, will be so fully defined as to speaks in a precedent that will have an important influence in all future criminal trials when the plea of insanity is urged. That intelligent journal, the New York *Post*, in a thoughtful and sensible article, has given some hints that may assist the readers of the APPEAL in forming their own opinions when our telegraphic columns lay before them, daily, the details of the proceedings at Guiteau's trial. Our cotemporary observes that the principa lrelliance, as substantiating the plea of insanity at the approaching trial, will probably be the absence of motive. The President's death, it will be urged, was no gain to Guiteau. He was disappointed in his application for office, but it was not the President more than a dozen others that prevented his application being successful. To fire into a crowd of people and shoot one of them is an act without a motive as far as the person who happens to be shot is concerned, but that will not save the shooter from the gallows. But what will the "experts," the medical men, say? Here we approach the core of the subject, for it is they, with their jarring opinions and too often misleading inferences, that have been the principal factor with the jury in criminal insanity cases. Why is their testimony so uncertain, and, as it has been so long witness, so frequently unreliable? The fact is, and the fact has hitherto received little attention, "the medical and the legal views of insanity are not only different, but are radically opposed to each other." The law, in a criminal case, asks whether the accused is responsible for his deed, and three main tests suffice to settle the question. First, did the accused know the nature and quality of his act? second, has he the capacity to distinguish right from wrong? and third, did he act under a delusion as to some matter of fact which, supposing it to be no delusion, would have justified the act? Physicians go differently, as a rule, in their investigation. The condition of the man's mind, as compared with a healthy, normal condition, is considered, not its relation to the crime charged. As the mind falls below the normal standard it is regarded, medically, as diseased. Were the physicians interrogated as to whether the extent of the disease, under the state of things before the court, was such as, in their opinion, under oath, to render the accused irresponsible. An answer intelligible and to the point would be obtained. To this course technical legal objections are urged. There is in the proceedings no question of degree. Was he sane or insane? is the question asked, as one would ask was he in the house or out of the house? Here the house makes a defined boundary, but there is no such boundary in the case of sanity or insanity. The physician cannot point out a given mental aspect and say, up to this the man was sane, and beyond it he was insane. Fully to meet the requirements of justice he must speak with reference to degree, and that reference, and its bearing on responsibility or irresponsibility, should, in some way, be recognized by the court. The question of degree is admitted in other cases. If insanity were a common plea in cases of picking pockets or burglary, we should, no doubt, hear something about degree, and the relation of the degree of insanity to the crime of the accused. The *Post* observes: "It not infrequently happens that persons actually confined in asylums are brought into court to testify to matters within their knowledge. They are of course 'insane,' and yet at the same time they may be good witnesses, and would be responsible for perjury if they should commit it. In the same way a perfectly valid will may be made in an asylum, for the capacity of the testator, like the responsibility of the criminal, is dependent solely upon the amount of intelligence he possesses with regard to the particular transaction involved—in one case the disposition of his property, in the other the crime." The *Post* adds: "In Guiteau's case there will probably be little necessity for medical expert testimony on either side, nor would the jury be likely to be affected by it in one way or the other. If several members of his family have been, as is stated, insane, the fact, once proved, would do more to establish a doubt in the minds of an ordinary jury than all the testimony of all the experts in the country with regard to hereditary insanity. The question as to his responsibility must in all probability be determined by the application of the ordinary legal tests to which we have referred, by a consideration of the man's appearance, demeanor, conversation, past history, and his own explanation of his conduct."

THE FUTURE TENNESSEE RAILROAD LAW.

The bill to create railroad commissioners for the State of Tennessee, which was intended to prevent improper discrimination, and generally to save the citizens from extortion, and commerce from vexations and obstructions, and that passed the lower House of the Legislature at its last session, will doubtless, in some shape, be made a law when the next Legislature meets. In the meantime merchants and business men generally should reflect what they desire the future law to be, what there is of injustice, extortion or obstruction to trade on the part of the railroads, to be overcome, so that the new law may be practical and efficacious. Especially should attention be paid to the powers given and the responsibilities imposed upon the commissioners. The Chicago *Tribune* showed the other day that railroad legislation there fails to produce the results expected of it, because the commissioners—who appear to consider the railroad's profit and convenience in preference to the wishes of the people or the interests of commerce—make the law practically inoperative. The *Tribune* states that the commissioners, during the eight years of their term of office, have made no attempt to punish the railroads for their infringement of the law. Complaints have been numerous, but eight hundred out of a thousand have been abandoned because of the next to impossibility of inducing the commissioners to do their duty. Of the other two hundred cases the commissioners by delays, inaction, equivocation, and bluffing, crowded out, say, a hundred and ninety. The ten determined men who, "knowing their rights, dared maintain them," and compelled the commissioners to attend to their claims, found the railroads, on the advice of the commissioners, ready to compromise for as little as those officials could induce them to accept. In fixing the maximum rates, beyond which the railroads cannot charge, they have placed them so high that no railroad would think of going beyond them. In these and other ways the commissioners have been servants of the roads instead of agents for the people. The business men of Tennessee will expect a very different experience of their railroad commissioners. Delay, evasion, equivocation, and bluffing will not do. The people demand that the law be made practical and efficacious. Especially should attention be paid to the powers given and the responsibilities imposed upon the commissioners. The Chicago *Tribune* showed the other day that railroad legislation there fails to produce the results expected of it, because the commissioners—who appear to consider the railroad's profit and convenience in preference to the wishes of the people or the interests of commerce—make the law practically inoperative. The *Tribune* states that the commissioners, during the eight years of their term of office, have made no attempt to punish the railroads for their infringement of the law. Complaints have been numerous, but eight hundred out of a thousand have been abandoned because of the next to impossibility of inducing the commissioners to do their duty. Of the other two hundred cases the commissioners by delays, inaction, equivocation, and bluffing, crowded out, say, a hundred and ninety. The ten determined men who, "knowing their rights, dared maintain them," and compelled the commissioners to attend to their claims, found the railroads, on the advice of the commissioners, ready to compromise for as little as those officials could induce them to accept. In fixing the maximum rates, beyond which the railroads cannot charge, they have placed them so high that no railroad would think of going beyond them. In these and other ways the commissioners have been servants of the roads instead of agents for the people. The business men of Tennessee will expect a very different experience of their railroad commissioners. Delay, evasion, equivocation, and bluffing will not do. The people demand that the law be made practical and efficacious.

5 PER CENT STATE BONDS, $200,000 to be issued from July, 1865, on Direct Tax Bonds. Apply at Office of Adams Express Co., 348 Broadway, Cor. Leonard St., New York.

CINCINNATI STIFFS

Conclude to Capture the James Boys, But Miss Their Prey by About Four Days.

Louisville Sunday Sports—Crime in the Crescent City — Work of a St. Louis Hoodlum.

NEW YORK, October 31.—J. W. Oliver, of Webster, Georgia, was arrested here on a charge of extensive swindling in that State.

A Fraudulent Divorce.

CHICAGO, October 31.—Judge Anthony this morning decided that Dr. W. W. Taylor fraudulently obtained his divorce from Mary E. Taylor, and he therefore set it aside.

Slain by His Father.

ATLANTA, GA., October 31.—In Whitfield county Thomas York was killed by his father, in the presence of the former's wife. Quarrelled about crops. The father fled.

Ready for Another Victim.

CHICAGO, October 31.—Mrs. Ada Roberts, who killed a lawyer named Weber, and was subsequently declared insane and has been confined in the asylum for two years, was declared in her right mind again in court to-day.

Juvenile Depravity in Chicago.

CHICAGO, October 31.—Gilbert Arquant, while playing pool with Anton Gundson, last night, on the South side, fractured his skull with a billiard cue during an altercation that arose. Gundson died this morning. Both were young boys.

Hanged Himself to a Bedpost.

PITTSBURG, October 31.—Rev. J. M. Sparrow, aged sixty years, committed suicide by hanging himself to a bedpost in the West Pennsylvania Hospital this afternoon. Financial troubles are assigned as the cause.

A Variety Actor Shot.

NEW YORK, October 31.—George Ronaldo, a variety actor, was shot and severely wounded last night by Lawrence Kennedy, aged eighteen years. Ronaldo was visiting a young woman when Kennedy and his companion called, a quarrel ensued and the shooting of Ronaldo was the result.

A Dishonest Postal Clerk.

OMAHA, October 31.—D. H. Garey, postal route agent on the Union Pacific Railway, running between Kearney and Sidney, Nebraska, was brought to Omaha this morning and committed for scaling a registered package of $200 from the mails.

Had Better Not be Williams.

DETROIT, October 31.—The identity of the man Wm. Kohl is not settled. Parties are here from Pepin county, Wisconsin, who say that he is the desperado Lon Williams. They have warrants for him and expect to take him back with them. It is expected that if he proves to be Williams that a lynch will pitch him.

Incendiarism in Arkansas.

LITTLE ROCK, October 31.—The *Gazette's* Monticello special says that the storehouses of D. C. Burford and H. A. Jones & Co., at Tyro, Drew county, were burned Saturday night. Burford's loss is $5000; fully insured. Jones's loss is about $3000; partly insured. Incendiarism is the incendiary, one of whom is now in custody.

Alleged Conspiracy Among Conductors.

MILWAUKEE, October 31.—Interviews with the Wisconsin Central Railroad officials indicate that they expect to prove an extensive conspiracy among their conductors to defraud the company of passenger fares. Two conductors, Cunningham and Gavin, are under arrest, and twelve others have been suspended. The officials claim that the proof is positive.

A Drunken Butcher's Crime.

CINCINNATI, October 31.—Valentine Yeske, a butcher, made a murderous assault on his wife late this afternoon, gashing her throat with a butcher-knife. He then drew the knife across his own throat, severing the windpipe and inflicting a wound supposed to be fatal. The woman will recover. He had been drunk for several days, and last night beat his wife. She had a warrant issued for his arrest, and this was the cause of his attack upon her.

Louisville Sunday Sports.

LOUISVILLE, KY., October 31.—George Bugle, aged twenty-three, married, and George Eichenberger, aged sixty, met in an East-end saloon yesterday afternoon, and words ensued of long standing. Jim Eichenberger, a son, came into the room and, taking sides with his father, dealt Bugle a blow with a club, which caused his death in half an hour. The Eichenbergers were arrested, and on the way to prison the old man attempted to escape, when a policeman shot him, inflicting an ugly wound in the hip.

Crime in the Crescent City.

NEW ORLEANS, October 31.—The Grand Jury to-day indicted Sergeant Reynolds for murder in killing a colored man named Hawkins during the labor strike. The Grand Jury found two additional indictments against Assistant Recorder Sheehan for violating the law prohibiting judicial officers acting bail for the appearance of persons to answer criminal charges before their courts. Carroll W. Allen, well known in commercial circles, convicted of gambling and embezzling the funds of the Coal Association, has been sentenced to two years hard labor in the penitentiary.

Another Cashier Brought to Book.

DETROIT, October 31.—Wm. L. Gibson, Cashier of the Gilman National Bank of Flint is in jail, was arraigned in Kalamazoo before the United States Commissioner on two indictments found some months ago, charging him with making false entries in the books of the bank and embezzling $17,000 of the funds of the bank. Colonel Lashbrek, bookkeeper of the bank, is already in prison on a five years sentence, growing out of these same irregularities. Gibson had given bail self away from the officers for some time, but now surrenders. He gave bail in $8,000 for his appearance.

Killed, but Not a Revenue Officer.

MONTGOMERY, ALA., October 31.—The statement given out at Washington of the killing of a revenue officer near Lafayette last week must be a mistake. Some weeks ago a person suspected of being a moonshiner was caught attempting to administer chloroform to a young lady asleep in her bed. He had many assaults on the female members of the family, and attempted to escape from the guards carrying him to prison, seizing one of their guns. He was handcuffed and shot while trying to kill. This is the only person named Lane killed in this vicinity, and he had no known connection with the Revenue Department.

Judge Lynch and His Court.

LITTLE ROCK, October 31.—An escaped negro convict, named Charles Jones, attempted to ravish a white lady named Mrs. Lewis, near Bentonville, on the Fort Smith Railroad, last week. Her screams attracted the attention of the husband, when the negro fled. He was captured yesterday morning in Fort Smith, and brought back to Bentonville this evening. A mob of one hundred men, armed with shotguns, were at the depot in waiting. On the arrival of the train, they took the prisoner from the officer, and, after a short informal examination by the jury of Judge Lynch's court, Jones was condemned to death, and twenty minutes after his arrival at Spadra he was hung to a tree.

A Little Chapter from Kentucky.

LOUISVILLE, October 31.—Sanders, in jail at Lexington, charged with beating his wife, hanged himself in his cell.——Saturday night, at Cobb's saloon, a negro girl, poured carbolic acid down the throat of a four-year-old child of Job David, killing it. The girl was arrested.——Nine prisoners, mostly boys, escaped from jail at Lebanon, Sunday night. They went by the tunnel route.——In this city, this afternoon, two hoodlums, Jack Holleran and Jody Werner, firing pistols in the street, officer Hailey and Sergeant Bradley arrested them, when a fifth escaped. Harlow knocked Holleran down and was on top of him when Werner attempted to shoot Harlow. The latter warded off the blind, which being immediately discharged, the bullet entered Harlow's thigh. Holleran, in coming out at the left, producing a dangerous wound. Werner knocked one of other officers the two men were placed in jail.

Hang the Hoodlum.

ST. LOUIS, October 31.—A little after 2 o'clock Sunday morning, three young men entered the Gibson House saloon, corner of Seventh and Pine streets, and while drinking got into a dispute among themselves and one of the parties drew a pistol and fired at one of his companions. The shot missed its aim and struck George Bridge, a young man who was at the bar, in the right side, when it was taken out of the hands of the owner of the saloon, inflicting a dangerous wound, supposed to be fatal. The man who fired the shot, and who was drunk, ran out on Pine street, and, as a traveling salesman who was talking with the proprietor of the saloon, inquiring