

EROTISM (NORMAL AND MORBID) AND THE UNWRITTEN LAW IN OUR COURTS.*

A MEDICO-LEGAL PLEA.

By CHAS. H. HUGHES, M. D.,
St. Louis.

A. D., a wealthy young St. Louisan, who in a fit of suspicious anger and jealousy, shot his wife, he having said at the time she was faithless and the child was not his, relied upon his money to free him from the consequences of his crime, when he surrendered at the nearest police station, saying: that the deed was an accident and his money would free him. He tried the unwritten law but his counsel did not plead it. He pleaded paranoia, and in the final trial epileptic paranoia, but he was convicted and executed.

Belief in the infidelity of his wife did not exist in his mind save in moments of inebriate passion, under the asserted influence of his paramour and his child was not proven to be nor reasonably supposed to be illegitimate. The unwritten law would not have been considered in this case had there been a foundation in infidelity because those insanoid juries who consider and apply the summary penalty of death to men who violate the sanctity of the home are not disposed to censure or punish the female guardian of the home's purity. Retribution sauce that is

*Concluded from *May*, 1907.

by them esteemed to be appropriate for the gander is not proper for the often alluring goose. This is the law their emotional minds make above the law of the statutes. The detonation of a gun and a woman in the case unbalances their nervous system and they are deluded with that wonderful lawyer's plea for the preservation of the sanctity of the home which may have no sacred virtue in it. The virtuous sanctity depending upon its occupants and the shooter himself may be far from a paragon of virtue.

A matrimonially mismated man in Denver whose wife got an order of separation with maintenance and whose husband defaulted in payment, because of being out of a job, when he got his last jail sentence, tried to explain why he could not pay, but concluded nothing could be done with a judge when a woman is around crying. There is some truth in this remark applied to a greater cause. When a woman starts in on the "briny line," as one of Judge Baldwin's characters expressed it, she makes a strong argument with a man, even though it has no logic with it.

A man in Shreveport, La., Lee Brock, after resenting the cursing of a lady (Mrs. Kelley) by the killing of a man (L. A. Byckham) was promptly acquitted and married the girl in the court room, the trial judge performing the ceremony and the jurymen being the witnesses, fifteen minutes after this acquittal. Chivalry steps high and life is cheap there. When the bloody "lips of the boy in a love kiss unite with the lips of the maid whom his bosom holds dear" over the bier of one whom he has just killed because of an oath directed to the woman he loves, love must be callous that can bask in the warm blood of the newly slain.*

*ACQUITTED OF MURDER, MAN WEDS IN COURT.

Mrs. Hattie Kelley Weds Louisianan Who Resented Insult Offered Her.

SHREVEPORT, LA., March 18, 1907.—At midnight last night in the courtroom, where he had five minutes before been declared not guilty of murder, Lee Brock was married to Mrs. Hattie Kelley, the woman in defense of whose reputation he did the killing, which caused the trial. The jurymen who had acquitted him were the witnesses, and the trial judge performed the ceremony. Brock shot L. A. Byckham last summer, alleging that he cursed Mrs. Kelley.

We are disposed to question the mental as well as the legal equipoise and soundness of judgment of a judge sitting on a bench created by the law, to secure the administration of law, who approves such a verdict against the law as in this case. Such jurists and juries are out of harmony with the normal and legal demands of their vocations. Their psychic neurones need adjustment in conformity with the law respecting and law enforcing spirit of the majority of the American people who wish to see law supreme in the land and its majesty revered and maintained.

A young girl in St. Louis charges a policeman with offering to kiss her. The policeman proves an alibi and averts dismissal from the force and a possible unwritten law tragedy.

Paul Thieman, editorial writer for the *Denver Post* says: "I recall a case, years ago, in which a simple sort of man was goaded by his virago wife to kill a distinguished physician for having taken advantage of her. . . . *The man had no evidence of it except her story*, but, after being tortured with three months of her taunts of cowardice, shot the physician to death. . . . *The woman was a liar*. . . . But owing to public *sympathy* for the *poor, simple-minded, foolish* husband, he was acquitted under the 'unwritten law.' ""*

Fifty-three out of one hundred talesmen summoned for the trial of Policeman McNamara, who killed his wife and James J. Brophy, a bartender, in the Royal Hotel, St. Louis, last August, declared that they were opposed to capital punishment, or would not inflict the extreme penalty upon one who took the law in his own hands "to defend the honor of his home and name," as they called it.

Brophy had just registered himself and Mrs. McNamara as "John Smith and wife," when McNamara rushed up to the clerk's desk, shot Brophy first and then killed the woman.

McNamara, a tall, powerfully built man is charged with indignities to his wife, that he forced her to desert

*Denver Post, March 12th, 1907.

him, was a member of the police force at the time he violated, by this murder, the law he swore to obey and help enforce. He is confident of acquittal of this dual murder, so insignificant is human life now and so slight are obligations of respect for law under the "protection of the home," even in a distant hotel.

Garland B. Moore, a rural mail carrier of Springfield, Mo., last December stabbed his sweetheart to death, because she did not reciprocate his affection satisfactorily and his domineering desire. His attorneys offer a defensive plea of adolescent insanity. It is fortunate for society when these hebephreniacs, real or feigned, take their own lives, for then the breed of mental unstabiles is stopped. But the penitentiary for life or the garrotting rope of the law is a good remedy.

In Denver the telephone wires got crossed, a politician made a wrong connection with another citizen's wife. Unpleasant, even hot words passed between the two. On her husband's return the lady, with tears in her eyes, tells him of the insult. Forthwith he goes with his ready revolver to the offending man. Hot words are exchanged, a drawn knife and a responsive pistol shot from the pursuer would have taken the other man's life, but for a timely dodge, resulting in a skin wound and a hole in his fedora, and the unwritten law is again vindicated, according to this man's notion.

In Springfield, Ill., a divorced woman (Mrs. Ollie Gibson), seeking a reconcilliation with her divorced husband, is approached while reading a repentant letter she has written, by a lover spurned (Peter Clarke), and shot in a crowded street car. The unwritten law rights a wrong of a woman changing her mind and repentant.

In line with these homicidal erotic psychlampias are the less harmful and not so flagrantly law defying suicidal psychokinesias which are often manifest at the very beginning of puberty, prodromal hebephrenia and forshadowing psychoses and prodromal of it or paranoia if the suicidal attempts fail.

In another instance in Springfield, Ill, March 27, 1907, a

fifteen year old boy's love for a school girl of the same age, unrequited, caused him to take his life apparently. But the cause of the self destruction was erotic neurone centers overwrought, unstable and shocked beyond the normal.

If all the psychic dyspareuniacs, seeking second-hand felicity are to be allowed to kill the so-called invaders of the often pseudo sanctity of inharmonious homes, whence happiness has usually already flown before the shooting, of what use is it to make penal laws against other forms of wrong.

The divorce courts of this country are widely enough open to marital victims of infidelity where the marriage compact has been esteemed as a joke, or as a fragile tie at least, by one of the parties to the compact.

Ordinarily well balanced physicians, clergymen, congressmen, eminent orators and other men of mark and merit in the public eye have sometime felt the annoyance and baneful influence of the persisting pursuing erotopath in society not from the lower walks of life either.

The intensely erotic wife of Potipher, perhaps famishingly erotopathic also, might have made the faithful and strong Joseph yield had he been a weaker man erotically and less loyal to his master and upright than he was. He, too, under circumstances of less personal honor and self-control might have been a victim of the *lex non scripta* and failed later to rescue the people from the threatened famine. For in those days, as we may infer, the unwritten law was in vogue, for Solomon* warned certain young men of his time, "void of understanding," against the possible danger of a dart through their livers should they be so unwisely wicked as to "hasten to the snare" and go unto the wife of a neighbor, when she enticeth him with loving entreaty and erotogenic perfumery and decorations of bed and person, "when the good man of the house is not at home," when "he is gone a long journey."

Solomon, who understood impartially the psychology of

*"With her much fair speech she causeth him to yield—with the flattering of her lips she forced him. He went after as an ox to the slaughter; as a fool to the correction of the stocks; as a bird hasteth to the snare and knoweth not that it is for his life, till a dart strike through his liver."—*Proverbs*.

love and lust, appears to have known that women were blamable as well as men where the dominant tender treacherous passion was concerned.

The erotohysteric and hysterically deluded falsehoods of certain hysteric women, combining unlawful, morbid affection with morbid revengeful jealousy, the jealousy, deceit and erotopathy of the woman repulsed, if not scorned, as in the case of the daughter of Herod as toward the purer John the Baptist, are to be considered in some of these instances when, in consequence, murder follows and the so-called unwritten law is appealed to in vindication.

The bloody combination of vengeful violence and morbidly extreme passion appear in this ghastly incident of history as a truthful revolting picture of the nymphomaniac erotopath transformed into a victim of violent necrophiliac passion. Dead or alive she would have him—pure and gentle John—no more fitted for sexual affiliation with such a woman than an angel with a devil, and through her erotopathic influence and her mother's over her mother's husband she got her erotopathic blood wish.

Herod, of course, went free, though the accessory before the fact, through the seductive influence of a charming young woman who danced lasciviously before him. Other men since Herod's time have thus fallen and finally surrendered after vainly pleading to be absolved of a rash femininely extorted and influenced promise. They have through similar influence committed unjust capital crime. There yet live other women to inspire and be the cause of unjust murder, no better at heart, no healthier in their love, no freer from revenge, jealousy and reactionary returning love. Women are yet existent so morbid that they could ravishingly embrace and kiss the dead, as passionately erotic as the morbidly erotic Salome. Such women yet have caused men and even kings to do their bidding. A case of record in a modern court shows where the cuckolded husband was induced by the plausible yet primarily erring cuckold wife to kill, for her revenge, the weak victim of her cuckoo call. In this remarkable case the odium of the

crime of adultery was fastened on the dead victim of a woman's deceitfully seductive lust, a murder threatening and murder inspiring woman, and the murderer went free of crime under an erotically unbalanced jury's verdict given under undue excitement, almost hysterical, to protect the purity and defend the sanctity of an erotically impure, un-sanctified home.

Gentlemen of the jury beware of the plea of the unwritten law of justification for murder where either a normal or a morbid woman's morbid erotism and the normal or morbid jealousy of a murdering man are concerned. Jealousy and morbid love do not balance revenge or justice well.

It is manly to protest against and avenge wrongs against the physical frailties of women and to avenge violence to her with violence, but it is wise to be cautious where the frailties of her erotic life are balanced against a man's life made violently forfeit and the summary taker of that life on trial for murder and vindication beyond the law of the statutes.

The testimony of the *dead* is not before you and the erotopathic frailties of some of the women who sometimes victimize even strong men in their weaker nature and *vice versa* are not before you always in these cases. A part of this testimony is silent with the slain, another part is withheld and no alienist expert testimony to show you what morbid states of the love passion may exist in the parties concerned and their undue influence, for this sort of testimony has never yet appeared in such trials. You may see justice in some of these cases only as she stands holding her unevenly balanced scales in the shadow of the boundaries between right and wrong, "man all and only wrong, woman always and only right, and her champion and avenger hallowed in the light of unerring lovely woman's fidelity and purity, outraged by ruthless, sinful man."

Try and separate the amorous saints from the erotic sinners among women and try and consider, if your own home love bias toward the good, the pure, the beautiful will permit, see that there are erotic and erotopathic devils

among women, as there are like devils among men and some of the former do not in their erotic life demeanor, justify the forfeit of a human life in their behalf and the freedom of the murderer, even as there are men whose crimes against women deserve the penalty of death by law.

Remember that the partner in this crime or sin or disease or the unwillingly overpowered innocent victim as the case may be is dead and can bear no witness. "Dead men tell no tales." Bear in mind the chief witness against life and home was a participant willingly, or may be unwillingly, from disease in the sexual sphere of her own organism or may be in that of the slain victim, also consider the possible motive, not alone the inspiration of the murder, that may sway the mind of the story teller of her own dishonor and shame or perhaps uncourted assault, for the shielding and saving of the man arraigned for the killing. Estimate justly, if you can, the true relations, probable motives and possible eroto-sexual disease impelling to the home desecrating act, whether in the man, or jointly in both and in the murderer, whether in the latter it be one of jealousy and revenge, prompted by other and private motive or whether excited to the verge of mania by insanoid hysteria or nymphomaniac passion unrequited of the woman. It is not always insult and outrage that causes women to seek man's destruction.

Here is another example of the law defying, unwritten law idea which comes to us as we write, March 12th:

Albert ("Bugs") Nichols, a teamster, employed by the St. Louis Transfer Company, was shot and killed by Howard ("Bum") Court, who conducts a restaurant at No. 512 Spruce Street, in a doorway at No. 509 Spruce Street, about 1 o'clock this morning. The shooting was the result of alleged abuse to Mrs. Emma Court in her husband's restaurant shortly before the tragedy. Nichols died on the way to the City Dispensary, and Court surrendered to the police shortly after. He admitted having shot Nichols. According to the police, Nichols entered the restaurant about 12:30 o'clock and ordered a sandwich. Mrs. Court says he refused to pay for it and cursed her.

She told the police that she then turned out the lights and said she was going to close the place. After Nichols left she returned and turned on the lights. Nichols is said to have returned and slapped Mrs. Court's face. He then went to the Mark Twain Social Club, at Nos: 507 and 509 Spruce Street. The woman found her husband in a nearby saloon and told him of the affair. He is said to have invited Nichols out of the clubrooms, and the latter drew a knife. Court backed away and fired three shots, two of which entered the body of Nichols. He fell in the doorway and died at the city hospital.

It might be said by some, if the woman's story is true, the man who assaulted her deserved to be shot. But that psychic state of society that permits society's laws to be put aside and self-adjudication substituted by murder, by any man on his wife's unsupported story of assault, is as insulting to the sanctity of the law as other offences insult the sanctity of the home. This murder was not done in the home nor for the crime of crimes which all men execrate, but for an offense given by a teamster to a woman presiding over a night restaurant in the tenderloin district, and the murder was done at the instigation of an angry woman slapped by a drunken man and on her angry, unsupported story alone.

Brain instability promoted by drink and fostered by a much and too rapidly developed unstable erotism, disregarding the restraints of the law, where there is a woman in the case, with erotic passion, jealousy and revenge dominant, augurs not well for the weigher of justice in American society and in the courts of the country.

Half the world in our cities, especially in certain localities thereof, through bill boards, theatres and otherwise advertised lasciviousness, seems to be living under dominant, higher intellect damaging and moral destroying, sexual erethism, verging closely upon or passed beyond the rational boundary line of erotic normality.

In trials for murder, under the unwritten law as a plea in defense it would be well to inquire of the jury panel not only if the unwritten law would be considered a

justification, but as a new feature of jury selection, whether the juryman himself is erotically morbid and unbalanced.

Many years ago in an eastern city a celebrated case got into the courts where a dentist giving ether was charged by the woman operated upon with ravishing her in the chair, the charge being a pure delusion resulting from the etherization. Since then the dentists have always had assistants where anaesthetics are to be given and also in other cases where anaesthesia is not required, as in teeth-filling, etc. The advent of the trained nurse and of anti-septic surgery requiring more assistants than formerly and the custom of having a special anaethetizer has prevented later scandals resulting from hysterical erotopathic hallucinations. But with the country practitioner and gynecologist who has often to economize in service in order to make small bills within the reach of patients, there is still great risk in gynecological treatments and examinations of a certain class of neuropathic women, who, from a morbid hysterical egoism are liable to detail incredible erotic delusions of sexual liberty and ravishment almost impossible of occurrence in the ordinarily equipped gynecological examining and operating room. The marvellous, the impossible and mysterious are, like the fondness for receiving attention, closely interwoven in the psychic life of the erotic hysteric. With such it would be well for men either to have nothing to do or treat them only under observation of witnesses or in conjunction with women practitioners.

The lives of innocent doctors have been taken and are liable to be taken any day in the present abnormal preponderance of the unwritten law sentiment, where the unsupported statement of uncertain, or maybe morbid, minded women are taken for so much, and that of the man cannot be had for reason of his summary death, or if not dead, deemed of so little value by an erotically over-emotional jury because it is merely a man's discredited testimony.

Out in the goldfield state of Nevada, a man follows and finds two adulterers, after a pursuit of many months and many thousands of miles. They are sitting at a restaurant table, dining cheerily together, each enjoying

the other's company. Both apparently happy in their mutual sin. The "wronged husband," as he is called, may have been the one most to blame, and the "ruined wife," though she seems happy enough in her ruin, who equally with the man, doubtless "had proclivity to sin" are met there suddenly. The male paramour, without time to draw or explain or pray, falls before the deserted husband's avenging bullet. The murderer mounts a table and proclaims the righteousness of his deed against the man, with no word of censure for the surprised and swooning woman.

It is becoming the neuropathic fad now, as in the case of Mrs. H. K. T., for an erring woman to lay bare the secrets of her past erotic life, sometimes most dramatically, while sympathetic juries weep when they should be doing some cool logical thinking. Tales of moral erotic delinquency are told for a motive of freeing cuckolded husbands from consequences of murder, or from some hysteric motive, which only certain women have, and no man, not even an alienist and neurologist can always fathom without asking corroborative evidence save that of the overwrought husband's real or imagined wrong, and a weeping jury lets the murderer go back to the cuckolding arms of his murder-inspiring spouse.

In Carthage, a Missouri city, in the month of March, a young doctor (Meredith) met his death, at the hand of a so charged outraged husband (Sanderson) from an asserted sexual wrong based on his wife's unsupported confession. The jury, as usual, in this case, though not on the usual ground of insanity, found a pretext of self-defense, though the young doctor was shot, before he had time for explanation or defense, in his own office. This murderer was acquitted.

One of the strangest things connected with all this unwritten law business is the paradoxical procedure of indicting the man often only *pro forma* and omitting to indict the confessed co-adulterer as accessory to the murder, whose acquiescence is by no means always coerced or over-influenced by the adulterer.

This is one of the paradoxes of the law officers and of

public sentiment when a woman is in the background, as it is in the often wrong decision of juries in these cases when both the adulteress and the murderer should be held accountable.

The psychology of crime and responsibility ought to be the same, ordinarily, in man and woman in these cases. Women's peculiar nervous infirmities and often hysteric propensities to exaggerate and portray erotic delusions and her menstrually excited psychanopsias, hysterical pseudopsias, etc., alone excepted, and which ought always to be considered by judges and juries and husbands even, in estimating the value of her testimony, especially in a matter involving life or death. A woman may, under willful motive of provoking jealousy, tell a false story of advances never made, and under morbid psychopseudopsia even tell of seductions that never occurred.

The vagaries of the enceinte and the hysterical, certain erotopaths and certain catamenially disordered departures from propriety, as the often then exhibited drink propensity and hysterical fiction are condoned by man and extenuated on the testimony of psychiatric physicians as resulting from peculiar morbid states of her nervous system at such times in certain neuropsychopaths. They should be put in the balance and duly weighed also, when a man is under indictment for adulterous crime or his life has been made the forfeit by a jealous husband resorting to the unwritten law on a confession of her infidelity under influences she may say she could not resist, and which man so often calls her shame, her ruin, but seldom her crime.

A relative of the Strother brothers, overhearing a conversation about that mistried case, goes into the hallway, transfers a pistol to his hip pocket, returns with the manner of an autocrat to the party conversing regardless of the right of free speech, and says the conversation is distasteful to him his revolver wielding egotistic majesty, and unless it is turned from that subject there will be trouble.

In a psychically balanced community, normal in its estimate of constitutional rights and not erotically perverted on this subject of eroticism and killing, this man should

have been put at once behind the bars and held for investigation, as either an insanoid or criminal disturber of the peace and a threatener of other men's lives.

A case occurred lately in Missouri where a woman with her paramour were condemned to be executed for the murder of her husband. The governor, for merely sentimental reasons, that it might not be recorded that the fourth woman murderess in the history of this state should be hung, commuted the penalty of both to life imprisonment, the unnatural, fiendish woman, because she was a woman, and the paramour and partner in the crime, because it would not be right, in his opinion, to condemn the one equally or more criminal because he had made the murder a possibility and was the erotopathic criminal cause, as well as accessory to, the great crime.

As we write, Virginia gives us another and most painful record of erotic homicide, if the wires flash the truth. It is that of a young, loved daughter, despoiled of her womanly honor by the fiendish crime of a drugged drink, avenged in blood by the love and passion unbalanced father. Both the slayer and the slain are of the best families of that good and great historic state. If the girl's story be true state statutes have no punishment adequately fitted to such a crime. But what if the story should be but the delusion of a latent psychopathic, excited into morbid misconception of a sexual wrong by alcohol and hysteria, as may happen to women of the insane temperament under alcoholic influence or hysteria, or ether or hasheesh, or atropia.*

The sweet and high and almost holy sentiment of our noblest manhood for the true, pure woman, our mother, beginning with the earliest recollection of her nurturing care and love and continuing undivided until another woman, esteemed as sweeter and more lovely than our

*The chief counsel for the accused was John Lee, the Lynchburg lawyer, who successfully defended the Strother boys. Accused—Judge W. G. Loving, manager of Thomas F. Ryan's stock farm. Crime—Killing Theodore Estes, April 24th, 1907. Defense—Unwritten law; prisoner alleged Estes drugged and wronged his daughter. Prosecution enters a general denial. Principal witness for defense—Elizabeth Loving, defendant's daughter. The jury in this case almost immediately acquitted. After the trial the defense's attorney conceded the innocence of the slain young man Estes.

mother, came into our life further developing an abiding emotion of tender, considerate regard for all womankind that tends to sway our judgments, often blindly in behalf, of all women when it should not influence the reason wrongly against the just criminal conviction and punishment of such women as are not, nor never have been, nor never could be the personified purity, virtue and guilelessness of the woman we paint upon our memory neurones as the saintly mother of our infancy, or childhood, or the woman of all women of our youth and early manhood heart and home, whom we yet hold dear and to be inviolate, if our strong arm might save her from the lustful leprosy of the stealthful ravishing lecher's lure.

But the lustful and the murderous of the opposite sex are not all of masculine mind, nor are the pure in heart all and always of womankind, though the term uxoricide, which man in his erotic generosity toward his complement sex has coined, has no equivalent for men murdering women. When a woman, lured by, or luring her paramour, singly or jointly, kills the man whom she has promised to love and honor, what but an overbalanced erotic sentiment extenuates her crime when the Governor of a Commonwealth commutes such a crime because the criminal is a woman.

When a loved married woman wilfully descends in lustful adultery, deserting a faithful, devoted husband, as some of the women do, notwithstanding the illusory confidence and honor many right-minded and faithfully loved men have for the sort of women they only intimately know and love and revere, she "falls like Lucifer, never to hope again." Then why should man let himself be swayed by sentiment predominating over his reason against sin and crime, guised in the luring habiliments of women. There are women, as there are men, adept in criminal impulse. Lustful, lawless erotism and lustful perversions abide with many of them as with like characterized men. Men's minds are found in women's frames and brains and *vice versa*.

The extension of the sentiment of leniency and extenuation to women for the same crime, under the same

circumstances and environment, without the legitimate excuse of insanity, that would bring to the fullest lawful punishment is an illusioned sentiment and not an enlightened reason result. And the setting free of a male murderer when an erring women beyond the age of consent may have been in whole or in part the cause and makes confession thereof, is an injustice to collective, lawful government and an evidence of instability of reasoning on the part of juries, because they are swayed by an erotically biased feeling for the women and the cause of the erotically impulsioned man, which may, on careful cold consideration and examination be found to have been, as it too often has been, after all the facts have been later learned, an illusioned and delusioned impulse and explosion of jealousy, frenzied, nonfebrile delirium of the love passion, too emotionally and too hastily, too unreasonably yielded to and unrestrained.

These facts suggest, from a psychological standpoint, an additional line of inquiry of the jury talesmen in cases where the *lex non scripta* for the extenuation or acquittal of murderers whose possible erotic jealousy or probable erotic wrong has entered into the crime. In these cases the jurymen from the true psychological standpoint of competency should be asked if they could give the testimony of both man and woman precisely equal weight in their minds, and if each juryman were capable of inquiring into the culpability of the woman in the case, and into that unwarranted jealousy that might color the testimony of the man, and that the woman might be influenced in behalf of her husband to give exaggerated testimony. The condition and quality of the minds of both husband and wife in such a case being liable to be influenced to an extreme degree and to untruthful exaggeration, by motives of self-interest, *i. e.*, self-preservation, the first law of nature and of revenge disproportionate to the actual crime, or possibly of the woman's approaches not being reciprocated, resulting in a scorned woman's desire to be revenged, as has happened, as medical men know, in instances where feminine nymphomania and morbid erotopathy has been the

moving mental influence with the woman. The erotopath in society can transform an upright and lawfully abstemious man's connubial happiness into a hell of morbid erotic impotency and scorned vengeance and slanderous suspicion.

Good men, devoted and true, have married such extremely erotopathic women, as women have married drunkards, hoping to change their morbid erotism, only to find their after life a hell, or to see other women or men entangled through unjust slander as to their love relations and their husbands or others unjustly slaughtered through dissemination of erotopathically illusionally conceived stories.

The erotopath is abroad in the land, dangerous to life and morals, but not enough in visible and rightly understood evidence in our courts of justice.

The shooting of an individual for an eroto crime, real or supposed, is not a *dementia americana*, as Mr. Delmas, in his plea in behalf of Harry Thaw, the murderer of Stanford White, claimed, for dementia does not shoot, or if it does, it does not plan and design to kill. The acquitting of an erotic murderer, on the testimony of the criminal and his wife, while it is not insanity, is an emotional insanoid state, which it were well for the law to better regulate than now by more rational jury methods and further penalties for that sort of crime, for the excuse of which the unwritten law is now too often, too confidently and too successfully invoked. Something, and something more and better than now obtains, should be *written law* on the subject.

Virginia in her early days had her cavaliers who could, on right occasions, chivalrously defend life and honor of man or woman, but that escuagic cowardly display of this once knightly virtue of our Virginia ancestors of colonial days, which can coolly take the life of a vulgar human being who applies an oath to a woman without otherwise harming her, when a personal castigation or the degradation of a penal sentence would be more appropriate, and the court that approves of the spilling of blood in self-made law, for such an offense are not, at this day, comprehensible even to one descended of a Virginia and Maryland ancestry.

In imitation of this false chivalry, a negro in the streets of St. Louis assaults another negro for the verbal offense of calling him a "snitch," whatever that may mean in the slang of the underworld of color, takes his life with a revolver and calmly walks away and surrenders himself at the nearest police station, as though he had done a most chivalrous and meritorious deed in thus invoking and executing the unwritten law.*

A man abandons his wife, keeping her ignorant for years of his whereabouts, returns home unannounced; the town liar has lodged in his maudlin mind a suspicion of unlawful intimacy against a poor but charitable small store-keeper, and the vagrant non-provident deserter of his family, before even going to his wife, seeks the man in his place of business and kills him with the ready, but half incoherently expressed defense, "He ruined my home and I am glad I killed him."

Erotism in its many morbid perversions, its inciting to jealousy and revenge, its dominance over judgment and the general brain and other nervous instability it engenders, should not be allowed to be its own arbitrary judge, jury and executioner with its own self-devised penalty of possible knife or pistol or poison.

The nurturing of neurone instability in the erotic spheres of the brain as in all others would seem to be a pertinent subject of law and pedagogy just now. Though pedagogics has concerned itself too much with cramming, often to cramming the brain and mind with knowledge alone, to the neglect, or partial neglect, at least, of the physiological regulation of the mind's normal dominance in its inhibitory centers, over the erratic and unstable impulses of the propensities and passions.

The right balance and control of the organism, bringing all in harmonious adjustment and regulation to rational normal conduct, in the erotic, religious and other spheres of the emotional life with dominant enlightenment, judgment and control should be the aim of right education.

The brain-storm life, the psychokinesiac episodes, too

*Killing of Hubert by McLean, March 16th, 1907.

ready to see, under dominance of erotopsyche erethism and imagine the sanctity of a virtuous home violated against a virtuous woman's will, the ruin of woman, only courteously treated, as is her due, and too ready to take the law and the pistol in hand, require a regulating and restraining influence in better trained and strengthened inhibitions of brain, helped to be strong instead of weak by law, by level-headed judges and brain-balanced juries, that do not weep and wobble in their judgments because there is a woman in the case.

A valet in a New York family becomes enamored of his mistress and indicts a love letter to her, and on being promptly dismissed from service, returns, gets into his master's bathroom and attempts to kill him with a tenpin club.

This unstable erotopath expressed no regret for the attempted murder of the man whose wife he wanted and thought his appeal to the unwritten law justifiable because she was *mysteriously* attracted to him and he could not help it.

Asexualization and sequestration for awhile in an insane hospital would probably cure him of his double propensity to lust and murder.

An eighteen-year-old son of a St. Louis physician, with a step-mother since he was thirteen days old deliberately shoots his father without after remorse and to get even with him for displays of irascibility toward him, (some parental denials, his diplomas and savings money in bank and ordering him from home a year previous,) though the boy was in business for himself in a responsible and exacting railway office, which the good education his father gave him enabled him to fill with precocious ability, a position as assistant to the superintendent in the profit and loss department of the Missouri Pacific Railway, which his grandmother, with whom he lived, took him from, thinking the tax too great upon his brain. He was regarded as an expert rifle shot among his associates. "A fool's bolt is soon shot."

This young fratricide, reading daily, doubtless, of the

unwritten law acquittals and psychically unstable from the overstrain of cigarettes and work and indulgences beyond his years, (confessing to thirty daily) just out from the overtax of school probably, is a revelation, by imitation of the vicious extent to which the idea of the self righting of wrongs, real or imaginary by bloody vengeance, is spreading among the neurotically unstable.

This boy visits the house of his father, doubly armed, to demand money he considered due him with two loaded revolvers, to be sure the contemplated deed will not fail, because "he knew his father was the very devil when angry," and he expected trouble. His father was raking the lawn when the son arrived. He had entered the kitchen to get some seed to sow upon the lawn. His mother thinks he has come back for forgiveness, but he has come to ask his father for his diplomas and money in bank. His father answers him passionately, "If that is what you come for you had better get out before I wring your ears." The revolver is drawn and the father is shot, and shot again after he has fallen.

The exaggerated egotism of an over-indulged, too rapidly educated, possibly brain-damaged youth, appears in this precocious youth's speech and conduct. He has been to Sts. Peter and Paul's high school and to a university. He wears clothes of a decided "varsity cut" and acts and talks as a "man of affairs."

In his own estimation he is superior to his father and disdainfully meets him, as he is described in the press. He is unruly and troublesome at his home, but tractable at the home of his grandmother. His father lately acknowledged what others had told him, that his stepmother, whom he loved and always thought his own mother, was not his mother by blood relation. The withholding of this knowledge seemed to incense him against his father and greatly changed his feelings toward his mother. He is described in the press as having the "varsity" egoism that disregards the rights and feelings of others in hazing and imperils what should be the golden rule aptitudes of the rising generation in our universities. Gratitude for parental

care and education and respect for the progenitor of his blood and nerve have no place in this ungrateful, mentally unstable young man's heart. Filial love and duty have been supplanted by a "varsity" and business egoism of a precocious, mentally rushed life, and his father is shot nigh unto death by his ungrateful, unfeeling hand, but finally recovers.

To arrest and change into right mental action the too often recurring displays of mental instability and its disregard for statute law is a problem as great as the care and sequestration of the plainly recognized insane, imbecile, idiotic and inebriate. These insanoid neuropaths had better not have been born, and if this be a psychic truth it were important that methods of education, social customs and neuropathic emotional jury verdicts that foster the growth and psychic explosions of such homicides should be prevented. The times demand steady-brained, unemotionally warped men.

These brain storms of selfish, vengeful, uncompunctioned, murderous, unrestrained impulse, these "flashes and outbreaks of the fiery mind" of youth and "savage unreclaimed blood," neglected in normal inhibition training up to manhood, should be made to cease, through better training and the engendering of progeny that will not make and execute unwritten laws and judgments, or in jury boxes, will not permit the written law of the statutes to be overthrown and disregarded by private personal vengeance, nor subterfuges of *pseudo* insanity made to thwart the law of the statutes salutary punitive prescription, of late years too often ignored by emotionally excited and erotically hypnotized juries.

A ruling such as was handed down in the Thaw and Loving cases, sustaining the non-impeachability of the chief woman witnesses in these cases, whose testimony led to these tragedies, would seem to be in accordance with sound psychology if the ruling applies in all similar cases only to the *verity* of the testimony, stopping short of ruling out the question as to whether the exciting story was told. In all cases it ought to be shown that the *story* causing

the crime, whether true or false, was actually told, and told in such a manner as to impress it as truth upon the mind of the man or woman or child, and to incite him or her thereby to commit the murder. The mental effect of a lie accepted as truth may equal that of the truth itself, and a woman or a man may lie and thereby cause a killing.

But the uncorroborated story of outrage by a woman, resulting in the death of a ravisher at the hands of her friend or relative, ought not to justify entire exemption from the legal consequences of murder.

In the case of Wm. G. Loving, tried at Halifax Court House, Va., when Judge Loving was on trial for the murder, April 22nd last, of Mr. Theodore Estes, alleged by the daughter, Miss Loving, to have drugged or intoxicated and seduced her, though the prosecution maintained, with supporting witnesses, that Miss Loving's story was false, that she was not assaulted, and that the only truth was that she had drunk too much, though not to unconsciousness or inability to walk. There was no disarrangement of the undergarments or other objective physical evidences of sexual assault upon the lady.

The arraigned was given to inebriety, the medical expert, Dr. Chas. M. Emmons, of Washington, testifying to Mr. Loving having brain disease and mental derangement from excessive use of alcohol. The drunken habits of Judge Loving for many years, it was maintained by the defense, had broken him both in mind and body and that his intellect and will power had thereby been greatly impaired. Theodore Estes was unmarried, aged 27 years and weighed 115 pounds.

In this case Dr. Emmons would not say that Loving is now insane, though believing him at the time of the killing to have had brain disease and mental derangement from chronic alcoholism.

Dr. J. S. Dejarnette, superintendent of the Western Hospital for the Insane at Staunton, Va., testifying as an expert for the State, pronounced Loving angry, but not insane, on the same hypothetical biography containing the history of his inebriate habits, attempts at reformation and

cure of habit by institutional treatment, etc., separation from wife, and daughter's story of seduction and the record of the killing of Estes.

There is an element of extenuation in long continued inebriety and possible and probable deterioration of brain and mind integrity requiring a more extended analysis than the meager facts before us will justify, that should be considered in more or less complete extenuation in all cases of homicide, but which is not germane to the present inquiry and we will therefore not here attempt to discuss it.

It would not be appropos here to discuss the propriety of a young lady riding out alone, whether on a public or private road, with a young man and drinking from his whisky bottle, or of her asking for or his offering a drink to her, or of carrying such a bottle unless he were in fear of accident or snake bite requiring whisky. But it is proper to consider the psychic effect of a daughter's accredited story of sudden ravishment through such means, on a father and his immediate and closely sequent conduct. It is possible that such a father with impulsions exaggerated by alcoholic indulgence, and its morbid mental aptitudes might be in such unrestrainable state of mind and brain under all the circumstances of the Loving case as to commit an impulsive act which no power, except the Almighty, might restrain, as declared by the arraigned Judge Loving. Loving was acquitted and his counsel then admitted the innocence of his victim.

We are not prepared here to decide this question definitely. Alcoholism is a breeder and inciter of suspicion in the brains and minds of its victims, especially as of marital and erotic infidelity, and women in conjugal and amorous relations to men are often the victims of its violent impulses, as a study of the psychiatry of morbid erotism and alcoholism and the records of divorce courts plainly show.
