

**THE MEDICAL JURISPRUDENCE
OF INEBRIETY: BEING PAPERS
READ BEFORE THE MEDICO-
LEGAL SOCIETY OF NEW YORK
AND THE DISCUSSION THEREON**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649645466

The Medical Jurisprudence of Inebriety: Being Papers Read before the Medico-Legal Society of New York and the Discussion Thereon by Medico-Legal Journal Association

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MEDICO-LEGAL JOURNAL ASSOCIATION

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THE
MEDICAL JURISPRUDENCE
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INEBRIETY.

BEING
PAPERS READ BEFORE THE MEDICO-LEGAL SOCIETY
OF NEW YORK AND THE DISCUSSION
THEREON.

PUBLISHED BY
THE MEDICO-LEGAL JOURNAL ASSOCIATION,
By Authority of the Society.

57 BROADWAY, - NEW YORK.

1888.

DEDICATION.

HON. NOAH DAVIS.

Ex-Chief Justice Supreme Court.

My Dear Sir :

I am charged by the Publication Committee of the Medico-Legal Society with the duty of preparing for publication, the papers read before that body, touching on Inebriety, Alcoholism and the Medical-Jurisprudence of Inebriety.

I voice their unanimous wish, in dedicating this volume of papers to you.

The interest you have felt in this subject, the labors with which you have been identified, in struggling with the social problems growing out of the abuses of alcohol, and your long public career upon the bench, make this all the more easy to me, aside from our personal friendship since your advent to this city.

That you have presided over the debates incident to the reading of these papers, and closed them with your own views sharpened by the thoughts their reading awakened, will, I am sure, add no little interest to their value in the public mind.

That they may be of service at a moment when the public heart is so deeply touched, by the problems of the hour is, I am sure, your wish as well as

Yours ever faithfully,

CLARK BELL.

NEW YORK, *September*, 1888.

INDEX.

DEDICATION.....	iii
PREFACE.....	v

PAPERS.

CLARK BELL, ESQ.....	1
NORMAN KERR, M. D.....	12
A. R. DYETT, ESQ.....	18
C. H. HUGHES, M. D.....	24
E. C. MANN, M. D.....	29
MORITZ ELLINGER, ESQ.....	35
L. W. BAKER, M. D.....	42
M. LOUISE THOMAS.....	47
LUCY M. HALL, M. D.....	51
T. D. CROTHERS, M. D.....	57
JOSEPH PARRISH, M. D.....	67
T. L. WRIGHT, M. D.....	74
REV. WM. TUCKER, D. D.....	82
MARY WEEKS BURNETT, M. D.....	88
PROF. E. P. THWING, M. D., PH.D.....	95
STEPHEN ROGERS, M. D.....	134
JAMES J. O'DEA, M. D.....	166

DISCUSSION.

AUSTIN ABBOTT, ESQ.....	106
H. S. DRAYTON, M. D.....	108
ISAAC L. PEET, L. L. D.....	110
EMMETT DENT, M. D.....	113
A. JACOBI, M. D.....	114
WM. F. HOLCOMBE, M. D.....	119
LUCY M. HALL, M. D.....	120
F. K. PADDOCK, M. D.....	121
S. WATERMAN, M. D.....	122
FRANK H. INGRAM, M. D.....	122
NOAH DAVIS, ESQ.....	123
CLARK BELL, ESQ.....	132

PREFACE.

The Legal relations of the inebriate, in business, in social affairs, and his responsibility before the law, have for many years engaged the attention of the Medico-Legal Society.

As early as December, 1868, Dr. Stephen Rogers, opened the discussion by a paper, upon the Influence of Methomania upon Business and Criminal responsibility. This was followed in the same year by a paper entitled "*Methomania*," by Dr. James J. O'Dea.

In the fall of 1869, "*The Law in Reference to Suicide and Intemperance in Life Insurance*" was made the subject of a paper by WM. SHRADY, Esq., of the New York Bar.

In the paper upon *Hereditary Diseases of the Nervous System*, read by STEPHEN ROGERS in 1869 before the Society, journal space was given and stress laid upon "*the Degeneracy of Alcoholic Inheritance*," and the proposition was made in view of the unusually large number of persons, who had during 1866 and 1867 been adjudged dipsomaniacs, that "*the Medico-Legal Society would be ready to decide by a very large vote, that there was such a disease as Alcoholism, that one of its forms is Methomania, and that it was an hereditary and, of*

course, a transmissible disease." (Medico-Legal Papers Series 1, pp. 87-88).

In March, 1869, WM. SHRADY, Esq., read before the Society a paper containing the Act passed April 8, 1864, in the State of New York, to establish an Asylum for Inebriates in the city of New York, with the amendments of 1867.—(Medico-Legal Papers, Series 1, pp. 92-96). Also, the Acts of May 9, 1867 (chap. 843, Laws of 1867), to incorporate the Inebriate Home of Kings County and the Amendments thereto in 1868. (Med.-Leg. papers, Series 1, pp. 97-99.) As well as the several Acts for the relief of the New York State Inebriate Asylum, passed April 15, 1859; March 21, 1861; April 15, 1864, and March 31, 1865, with a resume of the law, regarding *the case of habitual drunkards*.—(Ibid, pp. 102, et. seq.). In the same year, Dec. 9, 1869, DR. S. TELLER, read a paper before the Society, entitled "*Medical points in regard to the Suicide and Intemperance proviso in Life Insurance policies.*"

In 1871, DR. PALUEL DE MARMON read a paper entitled "*Medico-Legal Considerations upon Alcoholism, and the Moral and Criminal Responsibility of Inebriates.*"

In November, 1871, DR. STEPHEN ROGERS, in his inaugural address as president of the Society gave considerable space, and laid great stress upon the "*Methomaniac and the duty of the State to him.*" He then claimed "*that the morbid, and really uncontrollable impulse to drink and to be drunk, was an impulse which we all know results in more evil to society, and, finally, in*

more destruction to life, a hundred fold, than all the higher grades of crime," and to this subject and its evils he called the attention of that body, as being of the very highest interest and importance in its proposed labors.

On April 11, 1872, STEPHEN ROGERS contributed a paper to the Medico-Legal Society entitled "*The Influence of Uræmic and Alcoholic Poisoning on Testamentary Capacity.*"*

In Feb'y, 1886, DR. ENRIQUE A. FREMONT, of Ozuluama, Mexico, contributed a paper entitled, "*Inebriety and Criminal Responsibility in Mexico,*" which appeared in the Medico-Legal Journal, and the same number contained a paper read by DR. GEO. H. SAVAGE, of London, on "*Drunkenness and Criminal Responsibility.*"—(pp. 84 et. seq. Vol. No. 1.)

In July, 1887, CLARK BELL, ESQ., contributed a paper to the International and Colonial Congress of Inebriety at London entitled, "*the Relation of Intemperance to Insanity,*" which was read before the Medico-Legal Society, in September, 1887, and the November and December Meetings of the Society in 1887 were devoted to original papers on this subject by distinguished members, the discussion of which, are made the basis of the present volume.

It was decided to select from among these various articles, thus contributed, enough to make a volume of at least 200 pages, so that Students of the Science might

* Dr. T. D. Crothers read a paper on "Trance in Inebriety," later, which was also made the subject of a paper by Dr. Geo. M. Beard.

have in hand, the more important of these papers by members of the Medico-Legal Society, from widely different fields of thought, who had given this important subject attention.

The compilation of the greater part of these works with a reference to those unpublished, has devolved upon the writer as Chairman of the Committee of Publication, aided by the generosity of a few friends, who have contributed the necessary time to publish this volume, without expense to the Medico-Legal Society, of New York, as a testimonial and memento of its labors in a cause now exciting the popular mind.

CLARK BELL.

New York, October, 1888.

NOTE.—Dr. T. D. Crothers read a paper entitled "*Should Inebriates be Punished by Death for Crime?*" before the Medico-Legal Society, September Session of 1888, too late for insertion here.