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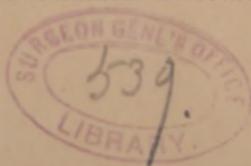
THE OTTO CASE—A MEDICO-LEGAL STUDY.

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Peter Louis Otto was tried for the murder of his wife at Buffalo, New York, December 7, 1884. The crime was committed November 14th of the same year. The following facts in the history of the prisoner and crime were undisputed:

The prisoner was thirty-six years of age, born in this country. His father was a German shoemaker, who drank more or less all his life, and at times to great excess. He was a morose, irritable man, of violent temper, who finally entered the army and died at Andersonville prison in 1863. His father, grandfather of the prisoner, was insane and died in an asylum in Germany. The prisoner's mother, now living, was a nervous, eccentric woman; very passionate and irritable. For years she had been quarrelsome, and untidy in her appearance; has suffered greatly from rheumatism, and is a cripple. She is called by her neighbors "half crazy," and has a marked insane expression. Her ancestors in Germany were crazy; both her mother and an aunt died in an asylum.

The prisoner's early life was one of neglect and general poverty in a cheerless home—on the street, in saloons, and in company with persons who frequent such places. He had beer at home at the table, and, from his earliest childhood, drank it with others. At eight years of age he was sent to school. When about ten he was thrown from the cars, and injured in the forehead. He was unconscious, and taken to the hospital, where he was treated for this injury and a dislocated ankle. From this time, up to about fourteen years of age, he went to school, and spent his nights and mornings on the streets and about saloons, living an irregular life. Then he went to work in a stove manufactory, where he remained for seven years, then went



to learn the printers' trade ; three years after gave it up and went into a candy shop. About the time he entered the stove works he began to use beer regularly, and was occasionally intoxicated. He drank at night, and at the period of puberty gave way to great sexual excess, with drink. From this time, up to November, 1884 (when the murder was committed), a period of over twenty years, he continued to drink more or less to excess all the time.

When about twenty years of age, he married in a saloon, and was intoxicated at the time, and did not realize what he had done until the next day, when he became sober. For a long time after his sexual excesses were extreme, and he was often intoxicated. Then his mind began to fail, and he became irritable and abusive. He was stupid at times, then would have a delirium of excitement and irritation, talking violently, and be angry with any one, with or without cause. He frequently quarreled with his wife ; often both mother and wife combined against him, and turned him out of the house. For several years he has been steadily growing worse and more violent and irritable in conduct ; this often depended on the amount of money he could procure for drink. At times he would bring home beer and his mother and wife would join him in drinking it. Nine years ago, while in a torch-light procession, he was struck on the head by a brick. A lacerated wound was produced, with unconsciousness, from which he recovered, but complained of severe head-aches for a long time after. Four years later he was struck on the head with a mallet, knocked down and made unconscious, and recovered, complaining of head-aches as before. Both of these injuries are marked by scars.

For some years past a deep-seated delusion of his wife's infidelity has been steadily growing, also suspicions of intrigue and poisoning by his wife and mother to get him out of the way. He has imagined his wife was alone in her efforts to drive both him and his mother away. The mother owned a small house which they occupied, and he claimed it, and was suspicious that it would be taken away from him. These

delusions and suspicions were very intense when he was intoxicated, but at other times were not prominent. He attributed deep sleep, when intoxicated, to medicines put in the beer by his wife or others. He heard voices at night, out in the street, plotting his death. On one occasion, after a quarrel with his wife, he became depressed and tried to commit suicide by swallowing the contents of a bottle of rheumatic medicine, supposed to be poisonous. On another occasion he placed some fire-crackers under the lounge, firing them with a slow match, expecting to be blown to pieces. His drinking and violence had increased to such an extent that both wife and mother complained to the authorities. He had been arrested six different times, and confined in jail. Once he served sixty days in the work-house for violence and drunkenness. Two months before the murder he was sent to jail, and was delirious and confused, and the police surgeon, Dr. Halbert, was in great doubt whether it was not a case of real insanity.

The judge ordered his confinement that he could be observed a longer time. He had what the physician called alcoholic insanity, but after eight days' confinement was discharged as sufficiently improved to go out again. For a week before the murder he had drunk every night to excess and was, as usual, quarrelsome and very irritable to all he came in contact with. He bought a revolver, and was taught how to use it, giving a fictitious name where he bought it, and greatly alarming the clerk by placing the pistol to his head and offering to shoot himself. The day and night before the murder he drank freely of beer and whisky. On the morning of the murder, he drank as usual, and had an altercation with his wife; was seen to follow her into the house, and pistol shots were heard. Otto was seen to run out through the back yard, running against the door of a house in a dazed way, then walked out in the street, and some hours after was arrested in the store of a friend. He did not seem intoxicated, and talked of getting into a "bad job"—meaning the murder. At the station he was at first very talkative, told many stories of his wife's infidelity, but denied

the crime; said nothing had happened. Later, he was dazed and silent. The jail surgeon found him in the afternoon of the murder in a cell, in a stupefied, confused condition, with no apprehension of the crime, and, although not apparently intoxicated, was nervous, restless, and dazed. The next day this state of mental aberration continued, he talked but little and stoutly denied the crime, saying it was all a conspiracy. His confused, dazed state gradually passed away, and he seemed to realize his condition, but the delusion of conspiracy grew more positive. He believed that a scheme had been formed to keep him in jail so his wife and mother could secure the property. One reason he gave for his wife's infidelity was, that she had done washing for the inmates of a bad house, and that he heard voices of persons out in the yard planning to get in and stay with her, and other more absurd reasons—all without the slightest basis in fact. His suspicions extended to others, whom he believed to be always trying to cheat him. He claimed not to remember any events from a day or more before the crime, until some days after, when he awoke in the jail. He had evidently a faulty memory which had been noted in many things long before the murder.

As in many other cases, the medical testimony given on this trial was a medley of faltering, confused statements. Two physicians thought these delusions and mental defects were no indications of insanity. One man doubted the existence of alcoholic insanity. Another was sure loss of memory could not occur unless dementia was present. Others swore that it was possible for persons to drink as the prisoner had done and not have a defective brain. Alcoholic trance and monomania were denounced as having no existence.

The judge very naturally seemed to ignore the medical testimony, and fell back on the letter of the law, merely asking the jury to discriminate between a mind actuated by revenge and jealousy and one full of diseased emotions and impulses.

A verdict of guilty followed, and sentence of death was

pronounced. An appeal was taken, and a year later I examined the prisoner in jail as to his mental condition. I found him pale and anæmic, with no other indications of ill health. He has had attacks of neuralgia in his head and shoulders from time to time; his appetite, nutrition, and sleep seemed natural. His face was blank and stolid, the eyes were staring and unequal in size. Talked in a slow, hesitating way, and changed with difficulty from one subject to another. He had become very religious since confinement in jail, and read the Bible and prayed often during the day. His ideas of God and heaven were confused and childish. He saw lights on the prison walls, and thought God had something to say to him, and opened the Bible, and the first verse he read was God's message to him. He often heard voices at night, telling him various things; sometimes they were threatening, calling him bad names. Then he heard God's voice telling him that he would not die, but live. These hallucinations of hearing and sight had all a meaning. The day before this visit a flash of light, like lightning on the wall, appeared, and he found an explanation in this sentence from Jeremiah: "Is not my word as a fire, saith the Lord, and like a hammer that breaketh the rock in pieces?" He still thought that his wife was living, and the whole thing was a plot to destroy him. He was very suspicious of every one; thought every person was deceiving him, and no one was true but God. He said all the stories of the murder were false, and that after a time God would bring back his wife to her senses, and she would live with him again. Said he would never drink spirits again, and would like to live with his wife in quietness. He had no concern about the future; was indifferent about the efforts made to stay his sentence. His mental powers, or capacity to realize what was said, were dull and slow. He stared, and asked, with suspicious hesitancy, "What do you mean?" or, "What is that?" He was unable to go from one subject to another unless the subject was often repeated and pressed on his attention. When he came to realize the topic, he talked in a confused, dogmatic way, asking questions

as answers, and expressing great doubts. Recited the lies that had been told him, and inquired how he could believe any one or any thing? He heard voices in the street talking about him at night, and the howling or barking of a dog he thought was the work of enemies, who wished to annoy him. He dreamed of going home and living with his family, and heard God speaking to him through those dreams. He described those dreams with great minuteness, and when laughed or sneered at, turned away with disgust, but forgot it quickly. He doubted his mother and counsel who visited him; was sure they were lying to him steadily. He selected out passages of Scripture and applied them to his case, but without plan or idea, except that God would defend him, and that the Devil would be finally driven out. When pressed sharply to explain his inconsistency, he turned, repeating the accusation with disgust. He was not greatly disturbed or annoyed, and seemed not to remember much that was said to him. When talking of himself, was not boastful of what he had done. The past seemed enveloped in a mist, and the future of no interest, and the present had no anxieties of moment. He saw different colored lights and interpreted them as God's answers or wishes to him. The jailer mentioned his defective memory: of asking for the same thing many times a day, even when it had been brought to him. Of sending for a thing, then forgetting that he had done so a moment after. He had been uniformly quiet in jail, reading his Bible and praying many times a day, and manifesting no concern about anything in particular. A depression was noted where he had been injured on the head.

From these facts I concluded that Peter Louis Otto was insane and irresponsible for the crime he had committed. A summary of these facts would be as follows:

1. Otto had a bad heredity, with no training, and was brought up on the street in the worst mental and moral surroundings. He was ill-nourished, and suffered from defective hygienic surroundings, and also from severe traumas of the head at least three times in his life.

2. He drank beer from childhood. At puberty began to drink to excess, and gave way to great sexual excesses. From this time his life was that of a suicidal dement; constantly growing worse. Long before the crime was committed, he was an alcoholic maniac, on the road to either suicide or homicide.

3. Delusions of his wife's infidelity, so common in these cases, deliriums of suspicion and wrongs from others, great irritability and violent temper, with hallucinations of the senses, constitute a group of symptoms about which there could be no mistake.

4. His conduct after the crime, and the persistence of delusions and hallucinations after a year's residence in the jail, indicated a permanently impaired brain.

5. The crime was a most natural sequel to his life, and although a degree of premeditation was indicated in the purchase of the pistol, yet it was evidently the cunning of a maniac, and not the design of a sane mind.

6. The probability of an alcoholic trance stage in his case is well sustained by all the facts of his defective memory, as seen in jail, noted before the crime was committed, and sustained by his steady denial of memory of the murder or any of its details. The continuous denial of recollection of the crime could not have been planned by his weak mind for any possible gain it could bring him.

7. His irresponsibility was most conclusive from his cloudy, defective brain, and general indifference as to his present and future, and also the delusions of himself and surroundings.

The prisoner continued in the same mental condition up to the time of his execution, May 21, 1886; manifesting great indifference and even coolness up to the last.

The counsel for the prisoner, Mr. E. A. Hayes, deserves the warmest praise in urging the insanity of the prisoner to the last. Finally, a commission of two physicians appointed by the Governor, and designated by the district attorney, reported as follows on his case :

“BUFFALO, N. Y., May 10, 1886.

“We, the undersigned, have the honor to report that in accordance with your request, we have made a careful examination of the condition of Peter Louis Otto, the condemned murderer, as to his mental state at the present time, and since the date of his trial. In the course of this examination, lasting for one week, we have had repeated personal interviews, together and separately, and have taken the testimony of those who have had the most intimate knowledge of him since his confinement in jail, namely: the sheriff, jailer, the assistant jailer, the watch, the jail physician, and his spiritual adviser. We have in this way taken every means to inform ourselves fully as to his true condition. We find no evidence of any physical or mental change having taken place since the time of the trial, which must necessarily have been the case if he were suffering from any form of insanity. He is in good flesh, and in good physical condition. His circulation and respiration are normal, and all of his physical functions are normally performed. He eats and sleeps well, and there is no complaint of any form of illness.

“We find that his mental state is entirely inconsistent with any form of insanity known. And we believe that he is feigning mental disease. We therefore pronounce him, in our judgment, sane and responsible.

“CONRAD DIEHL, M. D.

“WILLIAM H. SLACER, M. D.”

On this report, Otto was executed, May 21, 1886; another victim of medical non-expertness and judicial incompetency. Otto, in the grave, or in an asylum, is of no account, but the treatment of Otto and his crime is of the greatest importance. Psychology protests everywhere against the so-called administration of justice on the theological dogma that inebriety is always a vice and sin. To hang insane, diseased men is to go back to the days of savagery and the punishment of witches as criminals. Society gains nothing, and the progress of human justice is put back by the injustice, law and order becomes a mob rule, and inebriety and wife-murder is increased rather than diminished. The

Otto trial is only another landmark of the low legal standards and psychological levels on which insanity is measured. Two hundred years ago, eminent men of the three learned professions sat in judgment over some poor, insane people at Salem, Massachusetts, and hung them, and have gone down into history as more to be pitied than the poor victims who suffered. It is the same non-expertness that considered Otto, after twenty years of excessive use of beer and spirits, with changed character, habits, temper, disposition, and intellect, committing murder from an insane delusion, as sane and conscious of the nature and character of his acts. Less than two centuries ago, both judges and clergymen urged that witches should be punished as a means of safety to society, and prevention of the extension of this crime. But witches increased, until science finally pointed out the real facts. In the Otto case, both judge, jury, and experts took the same position, opposed by all psychological teaching of science, and the result will be the same. It is a pleasure to note that some of the medical men on this trial saw the real facts; among them were Drs. Halbert, Campbell, and Daggett, who all testified that Otto was clearly insane. The charge that Otto was feigning insanity was not sustained by the facts of his history and mental condition. Such a man might exhibit cunning in some directions, but his mind was incapable of planning and carrying out any scheme of assumed insanity. Both judge and experts started from the mediæval theory that inebriety is ever and always moral depravity, and controllable wickedness, and that Otto as a drinking man should be punished, no matter what the circumstances of the crime were. If crime was committed the punishment should be increased, and to call such a case insane was a dodge to avoid the penalties.

The Otto trial is only another strange, inexcusable blunder of our boasted civilization, in mistaking insanity for wickedness, the injustice of which will react on both the court and the community where it was enacted.

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