and has never got into any trouble. No one would desire to segregate such a defective, nor could such segregation be legally enforced. Then the man suddenly commits a brutal murder. The impasse is, no doubt, unavoidable, but it seems rather unfortunate.

Rex *v.* Edwin Claude Thick.

The accused in this case was a bricklayer, æt. 26. He had suffered as a child from infantile paralysis, which had produced marked deformity of the left foot—a disability of which he was acutely conscious. He was a married man, with one girl child of rather more than a year of age. All the evidence was to the effect that he was exceedingly fond of his wife and child. The three had been living with his parents, but on August 26, 1930, they moved into a newly built house. On the morning of August 29 the accused returned with the baby to the vicinity of his father's house. He gave the baby to a neighbour, asking him to give her to his (accused's) mother, with a letter. This letter stated that his wife had gone away with a Frenchman. After this he disappeared, and was not seen for about ten days, when he returned to his father's house, and resumed living there. The house which he had occupied with his wife and child was taken by another tenant. On November 27 circumstances caused the police to search this house, and the remains of the accused's wife were found in an empty space which existed between the party walls. The head and limbs had been disarticulated from the trunk, and the various parts of the body were wrapped in bed-clothes. The skull had been fractured, and the autopsy indicated that death had resulted from this injury, combined with a wound in the neck. When arrested the same evening, the accused stated that he remembered going to bed on the evening of August 26, and that the next thing he could remember was that he was awakened by the child on the next morning, and found the dead body of his wife with him in the bed. A difficult situation obviously existed, and he dealt with this by dismembering and hiding the body. To this account he adhered throughout, with absolute consistency. After his arrest there was found what may be described as a "prose poem" in his handwriting, dealing with his great love for his wife and child; this was, having regard to the circumstances, a remarkable document. The facts were not disputed, and the defence was that of insanity.

The case was originally tried by Mr. Justice Avory, on March

https://doi.org/10.1192/bjp.77.318.599 Published online by Cambridge University Press

16, 1931, at Birmingham Assizes. Evidence was given by the accused's father of a number of attacks of "wandering" from which the accused had suffered prior to the tragedy, and three of these were confirmed by police witnesses. Dr. M. Hamblin Smith, medical officer of Birmingham Prison, stated that he had kept the accused under observation for more than three months, and believed that the amnesia described was genuine. The witness detailed certain experiences which the accused claimed to have had of "seeing" and "hearing" his deceased wife. Taking all the circumstances into consideration, the witness considered that the accused suffered from attacks of automatism, probably of an epileptic character, and he believed that the facts were consistent with the accused having so suffered on the night of August 26–27. Prof. J. T. J. Morrison and Dr. F. W. M. Lamb, who had conducted the *post-mortem* examination, were called by the prosecution as rebutting evidence. They did not consider that the facts were consistent with automatism. (It should be mentioned that neither of these witnesses had made any examination of the accused, and that they had only seen him when in the dock.) The jury failed to agree, and the case was postponed until the next Assizes.

The second trial was held on July 15, 1931, before Mr. Justice McCardie. The facts of the case having been detailed, Dr. Hamblin Smith repeated his evidence, and said that he had seen no cause to alter his view. He laid stress on the fact that he had now had the accused under observation for more than seven months, during which time his account of the matter, at many interviews, had not varied in the slightest degree. Dr. H. A. Grierson, medical officer of Brixton Prison, had also examined the accused, and agreed with the opinion formed by Dr. Hamblin Smith, and for reasons similar to his. Prof. Morrison and Dr. Lamb again furnished rebutting evidence. The judge having summed up, the jury found the accused "Guilty but Insane," and the usual order for detention was made.

In his summing-up, Mr. Justice McCardie laid down one somewhat important principle. Every man is presumed to be sane until the contrary has been proved. In a criminal trial, the onus of such proof lies upon the defence. To establish a defence upon the grounds of insanity certain conditions must, according to the McNaghten criteria, be "clearly proved." But the learned judge said that if the jury had any real doubt as regards the question of insanity, the benefit of such doubt should be given to the accused, just as is, of course, done in the case of any doubt as to the facts in a criminal case.

https://doi.org/10.1192/bjp.77.318.599 Published online by Cambridge University Press