until the forthcoming Monmouth Assizes, and directed that the accused should be kept under observation in Birmingham Prison.

On February 8 the case came on again, at Monmouth, before Mr. Justice Roche. The undisputed facts, as outlined above, were related. Evidence was also given that the accused had always been a devoted mother, that she had worried over the fact that she was pregnant, and especially at having been told by a midwife that another confinement would be fatal, and that she was very sensitive about being deaf.

Dr. M. Hamblin Smith, medical officer of Birmingham Prison, stated that she had been under his observation since her appearance at Worcester. Having regard to all the circumstances, he was of opinion that there was good reason to consider that she was insane at the time of the act, in that, although she knew its " nature and quality," she did not know that it was wrong.

The jury found a verdict of " guilty but insane," and the usual order for detention during His Majesty's pleasure was made.

The delay which occurred in the final disposal of the accused indicates the objections which exist to the granting of bail in a case obviously requiring careful observation and investigation.

Rex *v.* Joseph Reginald Victor Clark.

This case is of interest in raising the question of what value should be attached to a confession made by an accused person.

Clark was 20 years of age, and was charged with the murder of a Mrs. Fontaine, to whose daughter he was engaged to be married. The murdered woman had annoyed him by repeating some objectionable remark made against him by a third party. He seized her by the throat with such violence as to cause suffocation. He then made an attempt to throttle the daughter, and inflicted injuries upon her throat with a pointed instrument. He was advised that the only possible defence would be one of temporary insanity, but he appears to have considered that no such plea could be successful. The case came before Mr. Justice Finlay, at Liverpool Assizes. Clark adopted the course (unusual in charges of murder) of pleading " Guilty." The learned judge asked him whether he thoroughly understood that he was pleading " Guilty " to a charge of murder, and whether he clearly realized what was the only sentence which could follow the acceptance of such a plea. Clark having replied in the affirmative, the plea was accepted, and the death sentence was passed.

Clark subsequently appealed, and asked that the case should be sent back and tried upon the indictment. The reasons he set out

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in favour of his appeal were that since the trial his perspective had altered. He alleged that he had made his original plea because (1) he felt that he ought to take the consequences of his action, (2) he knew that the trial would prove a heavy strain upon Miss Fontaine, whom he wished to spare further pain, (3) he believed that he was expediting the course of justice, (4) he could not countenance a defence of insanity, although he had lost his head when he committed the assault. On his behalf counsel argued that if an accused person appeared to have an object in making a false confession of guilt, or if he made it through delusion, fear, or simplicity, such confession should not be accepted. Here was, said counsel, a case in which a man had made a confession in order to save pain to others. The *post-mortem* examination had shown that the deceased woman's lungs were diseased, and that the assault had only hastened her natural death.

The Court, however, refused to allow the appeal. Mr. Justice Avory, who presided, said that the point about the diseased state of the deceased woman's lungs was no answer to a charge of murder. There was nothing to justify the Court in interfering with the result of Clark's confession. The Court was driven to the conclusion that no plea of insanity could possibly have succeeded had the case been tried in the ordinary way.

Clark has since been hanged.

Confessions which prove to be false are sometimes made from a desire for notoriety, but such was not the case here. Clark's confession appears to have been deliberate and considered, and there would seem to have been no reason for rejecting it.

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