Medico-Legal Notes.

REX *v.* CHARLES ELDRIDGE.

This Australian case was tried at Melbourne on July 28 and 29, 1931, before Mr. Justice McArthur. We are indebted to Dr. James Booth, of Melbourne, for his courtesy in sending the newspaper reports.

The accused, æt. 26, was an hotel steward. He was charged with the murder of Matthias Handley, and the attempted murder of Hugh Charles Gulliver, by shooting them with an automatic pistol. The facts were not disputed. The accused admitted both crimes when arrested, and also stated that he had intended to shoot Mr. Manchester, a solicitor. As regards motive, Handley was Eldridge's step-father. Eldridge stated that he shot Handley because the latter had thrashed him when he was a "kiddie," and that he desired to kill Gulliver and Manchester because they had robbed him, in business dealings, of money to which he was entitled.

The defence was that of insanity. Eldridge's mother stated that Handley had been unkind to both her and her son. Eldridge had been peculiar in his manner, and had complained of "hammering noises" in his head. At one time he slept for four nights under the house. He would avoid speaking to people. His dealings with Gulliver had preyed on his mind.

Dr. C. R. Plante said that he had treated Eldridge from November, 1925, until January, 1926. He considered Eldridge to have been mentally deranged; but he admitted, in cross-examination, that he would not have certified him as insane.

Dr. C. G. Godfrey, Government medical officer, was called as rebutting evidence by the prosecution. The witness had had a number of interviews with Eldridge at the gaol. Eldridge had no defect of memory, his thoughts and ideas seemed clear, and he had no delusions. Dr. Godfrey considered that Eldridge knew the nature and quality of his acts, and that those acts were wrong. Eldridge had stated that he had an injury to his head in 1925. Assuming this to be true, the injury would have some effect upon his mental balance; he would have diminished control of his temper

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and his impulses. Dr. Godfrey considered that Eldridge was definitely mentally impaired at the time the crimes were committed; he would be disposed to brood over a grievance, until he became so obsessed with it that it would not be possible for him to exercise reasoned judgment in his subsequent actions. Eldridge had said that he knew his act was against the law, and against religion, but that he thought he had moral justification for ridding the world of men whom he regarded as a danger to society

The judge appears to have summed up on the lines of a stric interpretation of the McNaghten rules. He rejected the theory of "uncontrollable impulse" as a legal defence. The jury, however, found Eldridge not guilty, on the ground of insanity (this appears to be the Australian, and the more logical alternative for our verdict of "Guilty but Insane"). The usual order for detention was made.

The case is just another illustration of the difficulties which arise, and which must arise, under the present rules for determiningthe question of "criminal irresponsibility." On a literal reading of the McNaghten rules, the jury's verdict might be regarded as unduly lenient. On the other hand, Dr. Godfrey's evidence would seem to bring the case well within the alteration in the law which was recommended by the Atkin Committee in 1923. The case also falls within the definition of irresponsibility laid down by the late Mr. Justice Stephen in his *History of the Criminal Law of England*, vol. ii.

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