Medico-Legal Notes.

Rex *v.* Joseph Millard.

This case was tried at Birmingham Assizes on December 5, 1933, before Sir Ellis Hume-Williams, K.C., Commissioner of Assize.

The accused, æt. 28, an hotel porter, was charged with the murder of his wife and his three children on November 22. He had been unemployed for some time. Having complained of inability to perform the work assigned to him under a relief scheme he was admitted for observation to Dudley Road Hospital on October 8. After about a week he was transferred to Erdington House for observation as to his mental condition. Both these institutions are under the control of the Public Assistance Committee of the City of Birmingham.

Evidence was given that Millard suffered from delusions to the effect that the doctors at Dudley Road Hospital had conspired to kill him, and that the nurses injected germs of insanity into him. Dr. B. T. Richards, of Erdington House, stated that Millard had been violent, and was confined to a padded room for about twenty-four hours; shortly after this he was discharged upon the application of his wife. Dr. J. Humphrey, medical officer of Birmingham Prison, stated that Millard had delusions, and had undoubtedly been insane at the time of the alleged crime.

A verdict of "Guilty but Insane" was returned, and the usual order for detention was made.

The Commissioner of Assize is reported as having made certain comments upon the accused man's discharge from hospital in so short a period after it had been found necessary to confine him in a padded room, and as having suggested that further inquiry should be made into this matter.

On December 13 an inquiry was held by Mr. H. K. Nisbett, Chief Inspector of the Ministry of Health, with whom was associated Dr. Rees Thomas, of the Board of Control. Evidence was given that Millard was discharged on October 22, on his own request and upon the application of his wife. Mr. G. A. Tennant, relieving officer, stated that he had known Millard for over two years. Millard was morose and sullen, but the witness did not regard him as a "mental case". Dr. T. M. Anderson, deputy medical superintendent of Dudley Road Hospital, said that Millard complained that he was doing work for which he was unfit; the witness did not agree, and had had a violent struggle with Millard when he tried to escape from a hospital ward. Dr. H. J. Kirkland, medical superintendent of Erdington House, had seen Millard

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on his admission. A patient admitted, if not under an order, would be entitled to ask for his discharge. Violent patients, not lunatics or alleged lunatics, were placed in the padded room, but this room had only been used on three occasions since September, 1932. Dr. B. T. Richards, who was in charge of the ward in which Millard had been placed, said that Millard attacked an attendant. Drugs having no effect, Millard was placed in a padded room. Millard's wife visited the institution on October 22, and said that she wanted her husband out at once as there was "nothing wrong with him". Mr. P. Hill, master of Erdington House, said that if an inmate wanted to be discharged, that course had to be adopted unless a doctor gave an order. In the absence of an order, if an inmate took his discharge against the advice of a doctor, the inmate had to sign a "responsibility book" to that effect. An attendant gave evidence to the effect that he believed Millard to be malingering. Counsel urged that Millard had not been insane during his stay in Erdington House, and that Dr. Richards would have been entirely unjustified had he certified him as insane. There was a month between Millard's discharge and the commission of the crime, and it was the events during that month which had brought about the condition found at the Assize trial.

On February 2, 1934, the Minister of Health promulgated his findings on the inquiry. Millard had been properly transferred to Erdington House for observation as to his mental condition. He had received appropriate care and attention. He had suffered, while at Dudley Road Hospital and Erdington House, from an acute mental illness, from which he had made a rapid recovery. The second attack of acute mental illness (during which the crime was committed) was separated from the first by a period of more than three weeks, during which it was not suggested that mental symptoms were observed which would have justified committal to a hospital. Had Millard, at the time of his confinement in the padded room, been certified under Sect. 24 of the Lunacy Act, 1930, there would have been no question of the propriety of Dr. Richards's action. There is, however, no authority for such seclusion of a patient who is not of unsound mind. Dr. Richards should have brought the case specially to the notice of his superior officer. The justification for Millard's irregular seclusion appears to lie in the fact that Erdington House is not equipped with any facilities, other than those of the padded rooms, for the isolation of patients, either in their own interests, or to avoid the disturbance of other patients; early consideration should be given to improvements in this respect.

We refrain from comment upon this unfortunate case, our information being derived from newspaper reports, which may, or may not be accurate, and which are certainly incomplete. But it is patent that the case raises questions of great importance as regards the admission of patients to institutions and their discharge therefrom.

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