insane at the time he committed the act, and did not know its nature and quality. Guilty, but insane.—Central Criminal Court, October 23rd, Mr. Justice Bigham. —*Times*, October 24th.

Rex v. *Neville.*

Alice Neville, 37, was indicted for wounding George Neville, her husband, with intent, etc.

The husband, on his return from work, noticed that the prisoner was very strange in manner, and that the bed had not been made. He asked her to pull herself together and make the bed, and he sat down to read while she did so, and went to sleep. He awoke to find her standing in front of him with a knife. He was bleeding from a wound in the throat. The prisoner attempted to cut her own throat, inflicting a serious wound upon it. She had been in a melancholy and depressed condition for some time. Dr. Scott said that he should say that the prisoner did not know what she was doing when she committed the act. Guilty, but insane.—Central Criminal Court, October 23rd, Mr. Justice Bigham.—*Times*, October 24th.

This series of cases illustrates very well the present practice in trials in which the plea of lunacy is raised on good grounds. The judge allows ample latitude to the medical witness, who is, in fact, called by the prosecution. The following case shows a different practice:

Rex v. *McKenna.*

Patrick McKenna, 53, joiner, was indicted for the murder of his wife. The accused seems to have been jealous of his wife, without cause, as he subsequently admitted. He was drunk on the day of the murder, was refused money by his wife, and then accused her of unfaithfulness and threatened her. Twice he went away, and twice he returned. On the second occasion he took her by the shoulders, and taking a carving knife off the table said, "I will cut your throat." She took the knife from him, but a second time he seized it, and plunged it into her neck. She died soon afterwards. On the way to the police station he said, "I went to the house without premeditation and without malice. It is horrible. She threw the knife on the table and said, 'If you want to do it, do it.' It was done in a minute. She was launched into eternity unprepared. She has gone to hell if there is such a place." Mr. Sutton, for the prosecution, said that he purposed to call two medical witnesses to give evidence as to the state of the prisoner's mind, in view of a possible defence on the ground of insanity in the prisoner's family. The judge said he did not see that this evidence could be heard. Everybody was presumed to be sane until they were found out to be otherwise. He did not know of any other circuit in which it was the custom to take the course proposed by Mr. Sutton. Mr. Sutton said that his reason for proposing to call the evidence was that on one occasion Mr. Justice Hawkins made some very severe comments because that course had not been adopted after allegations of insanity had been made before the magistrate. The judge said it was not a question of custom, but one of evidence, and what a learned judge might have thought right to be done in one particular case was no reason for doing anything contrary to the rules of evidence. The plea of insanity was not raised in defence, and the efforts of counsel were limited to an endeavour, which was not successful, to reduce the crime to manslaughter. Guilty, sentenced to death.—Manchester Assizes, November 13th, Mr. Justice Bucknill.—*Manchester Guardian*, November 14th.

It is manifest that in this case there was no sufficient evidence of insanity to enable the plea to be raised with any chance of success, or it would have been raised in defence. It must be remembered that the evidence gained by the prosecution from medical examination of the prisoner in gaol is placed at the service of the defence, and if it was not utilised by the defence it must have been because it was not of any value; in other words, it went to establish the sanity, not the insanity, of the prisoner.

https://doi.org/10.1192/bjp.48.200.206 Published online by Cambridge University Press