dividing line between the healthy, vigorous mind and the dilapidated mind of the insane; but though the mind of a man might not be healthily disposed, he might be responsible for his acts. Counsel for the defence asked them to say that there was overwhelming proof of a diseased mind. But it was not enough that he had a diseased mind. The jury must find that in consequence of that diseased mind prisoner had not at that particular time a full appreciation of the nature of the act which he committed. In other words, that his mind was a blank, or that he was under the uncontrollable impulse of a madman. Guilty, but insane.—Dorchester Assizes, Mr. Justice Bucknill.—*Dorchester Telegram*, June 10th.

It is certain that a few years ago this merciful verdict could not have been delivered in such a case as this. The evidence of deliberate intention was strong, as was the evidence of previous animosity. The prisoner had already attempted to injure the girl—to get her dismissed from her situation—by officiously representing to her employer that she was neither honest nor sober. He purchased both a revolver and a butcher's knife. He shot her dead at the first shot, and fired twice into her lifeless body. Immediately after he said, "I know I did it, I meant to do it." Subsequently he mitigated this statement by saying, "I lost my temper." In the act itself there is not only no trace of insanity in the legal sense, but there is ample evidence of intention and deliberation. The whole of the evidence of insanity was derived from the previous history of the prisoner, and it is precisely this class of evidence which many judges have rigorously excluded from the consideration of the jury. The whole of the prisoner's life, from infancy down to the time of the trial, was scrutinised with the utmost vigilance, and everything that could suggest that he was—I will not say insane, but different from the average ordinary man was adduced and dwelt upon. The experts called for the defence were not only allowed the widest possible latitude, but the judge himself went out of his way to suggest an exonerating hypothesis which had not occurred to them. Dr. Weatherly's opinion that the prisoner suffered from *petit mal* must have been founded upon facts which were not reported at the trial, and supposing it to be valid, it applies only to corroborate the hypothesis of the prisoner's general mental deterioration; for it is quite certain that the murder itself was not done in a period of post-epileptic automatism. The judge told the jury that he never recollected a case so fully charged with difficulties, and certainly the difficulties are very great. The first, and one of the greatest, is that of discerning an adequate motive for the crime. The prosecution suggested that the prisoner was in love with the girl, that he desired to possess her, that she refused, that he then tried to get her dismissed from her place in order that she might be more fully in his power, and that failing this, he shot her. It is proverbially dangerous to attribute motives. As has been before remarked in these pages, if we knew the full history and circumstances of the actors, the motives of most of the crimes that we call motiveless would be clear enough. Had the trial taken place in a neighbouring country, the agitation and excitement that the prisoner evinced on the two or three days preceding the murder would have been attributed to the resolution that he had then formed to commit the murder, and this hypothesis would have been as probable as that advanced by the prosecution. Certain it is that the circumstances of the crime alone lent no support to the plea of insanity. This was established solely by reference to the prisoner's previous life, and after this case it will be impossible even for Dr. Weatherly to assert that our legal procedure presses with undue severity upon prisoners of unsound mind, or that any difficulty is placed in the way of establishing the plea of insanity.

Rex v. *Burden*.

Frank Burden, 31, gardener, was indicted for the murder of his wife. Prisoner had spinal disease, and when his wife became pregnant he was convinced that she had been unfaithful, as he believed himself to be impotent and incapable therefore of being the father of the child. They had many quarrels on the subject, and after one of these the prisoner murdered his wife with a knife and a razor, which he then hid under the mattress of the bed. He subsequently tried to drown himself. Dr. Macdonald deposed that several relatives of both the father and the mother of the prisoner were insane, and that the prisoner suffered from the two fixed delusions that he was himself impotent and that his wife was unfaithful. Prisoner described

https://doi.org/10.1192/bjp.48.202.596 Published online by Cambridge University Press

a visit that he had had from the devil in the night. Dr. Weatherly gave similar evidence. On the other hand, Dr. Good, the surgeon to Dorchester Prison, who had had the prisoner under observation for four months, could detect no insanity in him. The judge here asked the jury whether they were satisfied that the prisoner was insane at the time that he committed the offence; and the jury, after some hesitation, replied that they were. His lordship said that he agreed. It would be too terrible, after what they had heard, to come to any other conclusion. Guilty, but insane.—Dorchester Assizes, Mr. Justice Bucknill.—*Dorchester Telegram*, June 10th.

It will be observed that there was no certain proof that the conviction of the prisoner that he was impotent and not the agent of his wife's pregnancy was a delusion. The deceased seems to have been a modest, well-conducted woman, and the strong probability is that the belief was a delusion; but its delusive nature was not susceptible of certain proof, and Dr. Good, who had the best opportunity of acquainting himself with the prisoner's state of mind, did not regard it as a delusion. Even if the belief was erroneous and the woman innocent, it by no means follows that the belief was a delusion. It may have been a sane mistake. But the judge took a strong course, and practically directed the jury to find a verdict of insanity. The verdict was probably right, but the evidence upon which it was founded was so slender as to justify fully the conclusion of the Committee of this Association that in practice the law does not press hardly upon prisoners with respect to whom the plea of insanity is raised.

LABORATORY OF THE SCOTTISH ASYLUMS.

The pathologist, in the Fifth Annual Report, gives in an appendix the following list of publications (continued from the Fourth Annual Report) containing records of researches carried out in the Laboratory, or in association with it:

W. Ford Robertson and James H. Macdonald; "Methods of rendering Golgi-sublimate Preparations Permanent by Platinum Substitution."—*Journal of Mental Science*, April, 1901.

Chalmers Watson: "A Contribution to our Knowledge of Disease of the Nervous System in Horses."—*Veterinary Journal*, March, 1901. "On Disease in the Nervous System of Horses."—*Veterinary Journal*, June, 1901. "The Pathogenesis of Tabes and Allied Conditions in the Cord."—*British Medical Journal*, June 1st, 1901.

Lewis C. Bruce: "Clinical and Experimental Observations upon General Paralysis."—*British Medical Journal*, June 29th, 1901; and *Trans. of the Medico-Chirurgical Society*, Edinburgh, 1900–01.

W. Ford Robertson: "Observations bearing upon the Question of the Pathogenesis of General Paralysis of the Insane."—*British Medical Journal*, June 29th, 1901; and *Trans. of the Medico-Chirurgical Society*, Edinburgh, 1900–01. "The *Rôle* of Toxic Action in the Pathogenesis of Insanity."—*British Medical Journal*, October 26th, 1901. "Platinum Method for the Central Nervous System."—*Proceedings of the Scottish Microscopical Society*, vol. iii, No. 2, 1901.

A. R. Urquhart and W. Ford Robertson: "A case of Epilepsy following Traumatic Lesion of Pre-frontal Lobe."—*Journal of Mental Science*, January, 1902.

Sir John Batty Tuke and W. Ford Robertson: "The Pathology of Insanity."—*Quain's Dictionary of Medicine*, 3rd edit., 1902.

W. Ford Robertson and J. S. Fowler: "Researches on the Channels by which the Cerebro-spinal Fluid escapes from the Intra-cranial Cavity, by the late Dr. George Elder."—*Journal of Pathology and Bacteriology*.

https://doi.org/10.1192/bjp.48.202.596 Published online by Cambridge University Press