Rex *v.* John Sumpster Milner.

This case was tried at Perth on April 19 and 20. The accused was a farm labourer, and was charged with the murder, on February 28, of a girl, æt. 11. She had been sexually outraged, and then murdered with a shot-gun. Suspicion fell upon the accused, who was noticed to have blood on his hands and clothing. He first attempted to explain the presence of this blood by a tale about a fight with some Italians; later he altered this to one of having killed a kangaroo; still later he made a confession, and took the police to the place where the crime had been committed. While in prison, awaiting trial, he disclaimed any memory for the events at the time of the crime.

The facts were not disputed, and the defence was that of "moral insanity." No medical evidence in support of this defence was adduced. The farmer who had employed Milner for the past eight years stated that his conduct, at first exemplary, had deteriorated; he would tell tales of a fantastic nature, for which there was no foundation in fact; he was restless, and would absent himself from the farm for days at a time. The witness had, prior to the crime, considered the propriety of having Milner's mentality investigated.

Drs. Bentley and Kerr, who gave evidence in the previous case, furnished rebutting testimony. They stated that they had found no evidence of insanity in Milner. Dr. Kerr said that he was not prepared to make a clear distinction between moral insanity and moral depravity.

The summing-up appears to have been based upon the McNaghton criteria. But the judge is reported as ruling that loss, on the part of the accused, of "capacity to control his actions" would, if established, justify a verdict of insanity. The jury found the accused guilty of wilful murder, he was sentenced to death, and has been hanged.

A UNIQUE INCIDENT IN LUNACY ADMINISTRATION.

The following case, related by the Hon. O. T. J. Alpers in his *Cheerful Yesterdays*,* presents features of such extraordinary interest as would seem to make it worthy of record in a psychiatric journal. Such events are, to say the least of them, unusual, if not unique, in the history of lunacy administration.

* John Murray, Albermarle Street, London, W. 1. 15*s*. net, postage 6*d*.

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Cheerful Yesterdays was written under tragic circumstances. The author, a distinguished judge of the Supreme Court of New Zealand, became the victim of malignant disease. Operative measures failed and he died about a year later, before his book could be published. Eight days after his operation he began the dictation of these memoirs to his wife, and he concluded them just before his death. The book forms delightful reading, and as Lord Birkenhead says in his Preface, can be recommended to readers of all ages "as a worthy record of a fine personality and a valiant career."

Now for a shortened account of this case:

A. B., a very wealthy farmer, who owned a sheep station and pastoral land of about 30,000 acres, with a wife and six children (ages from 36 to 24), was in 1896 found to be insane—on inquisition—and remained in a mental hospital for twenty-two years, while his estate was managed by committee. During the war the estate suffered through heavy taxation and difficulty of obtaining labour. It was felt that the retention of such a large estate in one holding was against the public interest. If it were divided among the four sons, who had been brought up as farmers, or sold in smaller blocks, it would be greatly to the advantage of the family.

Three years before becoming insane A. B. had made a will providing a large annuity for his widow and dividing the property equally among the children. The family solicitor suddenly conceived the brilliant (!) idea of promoting an Act of Parliament to grant administration of the estate on the assumption that A. B. died on the date of the passing of the Act. The Bill was accordingly drafted and it was referred to a Judge of the Supreme Court to report whether the Bill was a fit and proper one to pass.

The Public Trustee as Statutory Commissioner of Lunacy represented A. B. in court, and Mr. Alpers was instructed as counsel. He saw no objection provided that an adequate sum was set aside for the maintenance of A. B. during the period that might elapse before he died—*i. e.*, between his civil and his natural death! £9,000 was agreed upon, and a motor car, etc., was provided.

One psychiatrist reported that A. B. could not possibly recover. Two other eminent mental specialists were nominated by counsel to examine him also. In affidavits they declared that A. B. was suffering from chronic delusional insanity, with marked symptoms of senile decay, and that his mental condition was deteriorating rapidly. They expressed the opinion that he could not even improve, much less recover.

The Bill passed without difficulty, and A. B. "died" on the date of the Act, in the district where his property was—not in the district

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where the mental hospital was. All the children were deemed to have survived A. B. There was even a clause providing for the payment of premiums on his life insurance policies. All was well—and then A. B. recovered! He remained apparently a little eccentric, but there was no justification for keeping him in a mental hospital. He came home, and he appears to have recovered his common-sense, for when the provisions of the Act were explained to him, he said he thought it very sensible and had no wish to disturb the arrangement. Thus he remained "dead" until the date of his death.

What might have happened had this "dead" man taken it in his head to marry again and beget another family!

ELEANOR RITCHIE.

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