Medico-Legal Notes.

Rex *v.* James Achew.

This case was tried at the Central Criminal Court, on January 17, 1930, before Mr. Justice Avory. The accused man was charged with the murder of Sybil Sarah da Costa. They appear to have lived together as man and wife, and to have kept a boarding-house. The accused man had formed the idea that the deceased woman had been unfaithful to him, although there appear to have been no grounds for such a supposition. Early in the morning of November 14, 1929, the deceased woman was found at the top of the stairs with ten wounds in her throat, apparently inflicted with a razor. The accused was found in the kitchen with his head in a gas oven and with his throat cut, the wound not being of a severe character. The facts were not disputed, and the defence was that of insanity.

Dr. W. R. K. Watson, medical officer of Brixton Prison, gave evidence in support of the defence. The accused had expressed extravagant suspicion of the woman on evidence which no sane man could accept. Dr. Watson considered that the accused probably knew what he was doing at the time of the act, but was so excited that he did not know that the act was wrong. The judge asked: "Jealousy without good cause is not, in itself, evidence of insanity?" Witness: "No." The Judge: "Apart from this delusion of infidelity, is the prisoner otherwise sane?" Witness: "He has no other delusions; but the one he has could not be held by a perfectly sane man."

The prisoner was found "guilty," and was sentenced to death.

The case came before the Court of Criminal Appeal, on February 3. The Court was asked to decide that a verdict of "guilty but insane" was the only possible verdict in the case, and to substitute such a verdict for that found by the jury. Mr. Justice Talbot, in giving the decision of the Court, said that there was evidence upon which the jury could have found a verdict of "guilty but insane," but that the evidence was not such as to render this the only possible verdict. The accused had an insane delusion that the woman was unfaithful to him; and she would have been a most

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abandoned woman had she done what he said she had done. There was no ground even for suspicion on the part of the accused. But this situation did not justify murder. The learned judge referred to the judges' answer to the fourth question in the McNaghton case. The question was, " If a person under an insane delusion as to existing facts commits an offence in consequence thereof, is he thereby excused ? " The reply ran, " The answer must, of course, depend on the nature of the delusion ; but making the assumption that he labours under such partial delusion only, and is not in other respects insane, we think he must be considered in the same situation as to responsibility as if the facts to which the delusion exists were real. For example, if under the influence of his delusion he supposes another man to be in the act of attempting to take his life, and he kills that man, as he supposes, in self-defence, he would be exempt from punishment. If his delusion was that the deceased had inflicted a serious injury to his character and fortune, and he killed him in revenge for such supposed injury, he would be liable to punishment." The learned judge said that the verdict of the jury must stand, but that this decision did not, of course, affect any action which the Home Secretary might see fit to take in the matter.

It was announced, a few days later, that Achew had been reprieved on medical grounds, and would be detained at Broadmoor Criminal Lunatic Asylum. Probably the Secretary of State acted under the Criminal Lunatics Act, 1884, Sect. 2 (4). This directs that when the Secretary of State has reason to believe that a prisoner under sentence of death is insane, he shall appoint two or more medical practitioners to examine the said prisoner, and to inquire into his insanity. Such was the course adopted in the case of True, in 1922.

The part of the McNaghton criteria at issue in this case, although not so often quoted as that which concerns the " nature and quality of the act," has been subject to adverse criticism. Mercier put it that the judges' answer assumes that the man's disease consists exclusively in the fact that he is under a mistaken belief, and that he possesses the same power of appreciating and reasoning about the fact in which he mistakenly believes as has a sane man.

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