Medico-Legal Notes.

REX *v.* JOSEPH EDWARD FLAVELL.

THIS case was tried at Worcester Assizes on June 9, before Mr. Justice Avory. The prisoner was a crane driver, 24 years of age. He was accused of having murdered his half-brother, at Dudley, during the night of March 5–6, by smashing in his head with an axe. The prisoner's father had died when he (prisoner) was about 6 years of age. The mother had remarried about two years later, and the murdered lad was the only child of this second marriage. The family lived at a public-house owned by the mother. The prisoner and the murdered lad slept in one bedroom. On the evening of March 5 the prisoner came home at a late hour, and was rebuked by his mother, who told him that he must keep earlier hours or find another home. Nothing unusual was heard during the night. Next morning the prisoner came downstairs, and asked his mother to give him some money, saying that he was going away, and that if he did not have money he "would give himself up." No questions appear to have been asked, but no money was given, and the prisoner left the house. Later, the body of the murdered lad was found in bed. The prisoner gave himself up, that same evening, to a police constable in Birmingham, to whom he used the words, " I had cause to do it." The facts of the case were not disputed, and the defence raised was that of insanity.

It was clear, from the evidence, that the prisoner and his step-father were not on good terms, and that the prisoner was jealous of the murdered lad. The mental conflict which might be expected in such a case was, no doubt, in existence. It was contended, by counsel for the defence, not that the prisoner " did not know the nature and quality of his act," but that his emotional reaction was abnormal, and that, consequently, he did not know that the said act was wrong. Counsel attempted the elaboration of this point. Evidence was adduced to the effect that, as a child, the prisoner had been unduly mischievous, and cruel to animals. For these reasons he had been taken, when about 8 years of age, to see the late Dr. J. W. Russell, of Birmingham. It was also suggested that the prisoner was not of the average standard of intelligence; various estimates were given by lay witnesses, none of whom, however, placed his intelligence lower than that of an ordinary boy of 14 years of age. Evidence was given of a number of cases of insanity in the prisoner's family. Dr. Walter Ross Jordan, of Birmingham, had examined the prisoner, since the crime, upon

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several occasions. Dr. Jordan regarded the prisoner as lacking in the finer sentiments, and considered that he had not the normal appreciation of the act which he had committed. Dr. V. G. Maitland, of Dudley, had known the prisoner for some years, had examined him since the crime, and did not think that he knew his act was wrong.

Rebutting evidence was called by the prosecution. Dr. M. Hamblin Smith, medical officer of Birmingham Prison, had kept the prisoner under observation for three months. He considered that the prisoner's intelligence was fairly good, and did not regard him as coming within the legal definition of insanity, although his emotional reactions were not normal. Dr. W. R. K. Watson, of Brixton Prison, had examined the prisoner and regarded him as sane, but as somewhat lacking in intelligence, although not certifiable as a mental defective. Dr. A. C. Pearson, of Wandsworth Prison, had also examined the prisoner and gave similar evidence.

The judge summed up in terms of the McNaughton rules, and said that even if the prisoner's intelligence were that of a boy of 14 years of age, he would still be responsible for his actions. The jury found the prisoner guilty, and he was sentenced to death.

The case was taken to the Court of Criminal Appeal. It was argued, on behalf of the prisoner, that recent events, including the report of the Atkin Committee, indicated that the McNaughton criteria must now be regarded as insufficient. It was pleaded that the case was not one for punishment, but for permanent care. The Court, however, dismissed the appeal, stating that the law must still be administered in accordance with the McNaughton rules.

The death sentence was not carried out. The Home Secretary advised His Majesty the King to exercise his prerogative of mercy, and the prisoner's death sentence was commuted.

Occasional Notes.

Philippe Pinel (1745–1826).

On October 25 of this year falls the centenary of the death of Philippe Pinel, and we feel that we cannot let the occasion pass without paying a tribute to the fine character and great achievements of this illustrious physician and philosopher whose name is written indelibly in the annals of psychological medicine.

His glorious work in Paris, which emancipated the mentally afflicted from probably the most appalling conditions to which

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