The published report of the summing-up suggests that the judge was strongly in favour of the insanity plea. He pointed out that the evidence of the two doctors, both of whom were Government officials, had not been rebutted. The criterion of criminal responsibility which he gave to the jury was whether the accused had, at the time of the act, the power to control his actions.

The jury found the accused "Guilty" of wilful murder, but added a recommendation to mercy, on account of his youth and weak mind. The accused was sentenced to death.

On September 24 the case was brought before the Court of Criminal Appeal at Perth. After hearing Counsel, the Court held that the verdict was against the weight of the evidence, and that it was an unreasonable verdict. The conviction was, accordingly, quashed, the accused was acquitted on the ground of insanity, and an order was made for his detention during His Majesty's pleasure. Power of control over his actions was laid down as the proper test of a man's criminal responsibility. The Court held that, in the absence of any contradictory evidence, the jury was bound to accept the opinion of the two official medical experts.

Assuming the newspaper report to be accurate, the case is of interest, as indicating that the criterion of "responsibility" under the law of Western Australia differs from the rules in force in this country. The power of a man to "control his actions" has been advocated as the correct test by various authorities, notably by the late Sir James Fitzjames Stephen. It will be remembered that, in 1923, the committee presided over by Lord Justice Atkin recommended that the present legal criteria of "irresponsibility" should be extended to cover the case of a man who committed an act under the influence of "an impulse which he was by mental disease deprived of any power to resist." There are obvious objections to this test; and it would, if adopted, be likely to occasion as many, and as acrimonious, disputes as occur under the existing criteria.

Rex *v.* George Augustus Pugh.

This case was tried at Stafford Assizes on November 25, 1930, before Mr. Justice Hawke.

The facts were not disputed. The prisoner was accused of the murder of a girl named Bratch. He was a plumber, æt. 18. He had been courting the girl for some time, and she was pregnant by

https://doi.org/10.1192/bjp.77.316.197 Published online by Cambridge University Press

him. He was making arrangements to marry her. She told him that her parents objected to the marriage. (It was not clear, from the evidence, whether they had so objected.) However this may have been, the couple were unhappy, and the girl asked the accused to kill her. He at first refused to do this. But on September 25, when she repeated her request, he strangled her with a scarf, on a waste piece of ground at Wolverhampton. He then went back to his house, wrote a statement as to the place where the body would be found, and turned on the gas. When discovered he was unconscious, but recovered later.

When the evidence for the prosecution was concluded, counsel for the defence intimated, for the first time, that the defence would be that of insanity. The accused gave evidence. He stated that he remembered what he had done on the day of the tragedy, but said that it was "all a haze," and that he had acted on "a mad impulse." He had thought a lot about the crime since his arrest, but did not "realize" what he was doing at the time, although he knew that he was killing the girl, and knew that it was wrong to do so. Evidence was also given to the effect that the accused had always appeared to be very fond of the girl, and that a cousin of his father had died in Stafford Mental Hospital.

Dr. M. Hamblin Smith, Medical Officer of Birmingham Prison, said that nothing had occurred, during the time the accused had been under observation, that was at all suggestive of insanity.

The jury found the accused "Guilty," but added a very strong recommendation to mercy. In the end the death sentence was commuted.

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