some misapprehension as to the facts. In reality, 100 females and two males have been committed to, and received in, certified reformatories, and of these fifty-nine are Protestants. More accommodation is needed, and action is being taken by many local authorities with a view to providing it.

RECENT MEDICO-LEGAL CASES.

REPORTED BY DR. MERCIER.

[The editors request that members will oblige by sending full newspaper reports of all cases of interest as published by the local press at the time of the assizes.]

Reg. v. *Flower.*

James Flower, 37, greengrocer, was indicted for the murder of his wife. Prisoner appears to have been a sober man until a month before the murder. He then lost a horse, which he said drove him to drink. About midnight on November 2nd the prisoner was found in his shirt and drawers in the street by a policeman, to whom he said, "I've murdered the missus. She has poisoned my life. I have killed her." The woman was found dead from a wound in her throat. It was proved that since he became addicted to drink he had had suspicions of his wife's fidelity, had persisted that there was a man in the cellar, and had become very strange. Three doctors deposed that a few days before the murder he had visited them, and was then bordering on delirium tremens, and to one of them he had stated that his wife was poisoning him. Dr. Hunt, medical officer at the county gaol, said that on the day after the murder the prisoner said that someone was trying to murder him; that his head had been examined, and that the man who examined it was offering large sums of money for it. Subsequently he had said that his wife was concerned in a plot against him, and had been offered a large sum to poison him. Dr. Spence, of Burntwood, said that at the time Flower killed his wife he might have known that he was doing a wrong act, but he might have believed that there was some conspiracy against him, and that he had to defend himself against his wife. He would not know that he was doing a wrong act in the same way that a sane man would know. The judge (to prosecuting counsel): "On this evidence is it possible to submit to the jury that this is a case of wilful murder?" Guilty but insane.—Stafford Autumn Assizes, Dec. 4th—Mr. Justice Mathew.—*Times*, Dec. 7th, and *Manchester Guardian*, Dec. 5th.

The brief period for which this prisoner had been drinking complicated the case. If the murder had been committed after a single day's debauch he must have been found guilty of murder. If he had been drinking for months the jury would have had no difficulty in finding him innocent. But the fact that his drunken habits had lasted for only about a month made it difficult to decide whether the act was the outcome of ordinary drunkenness or of alcoholic insanity. No doubt the well-marked delusions saved him from the gallows.

Reg. v. *Beddoe.*

John Beddoe, 24, gunner in the militia, was indicted for the murder of a comrade named Hammett. Prisoner was a recruit, and was somewhat lacking in intelligence. He was made a butt of by the other men in the regiment, and orders had been given that if anyone molested him he was to be put in the guard-room, and he had been put in a tent next the company sergeant-major, so that the latter could keep an eye upon him and see that he was not bullied. He was in a tent with five other men, one of whom (the deceased) began to sweep the floor at a time when the prisoner was standing near the tent pole, upon which hung the belts and bayonets of the men. As deceased was sweeping he came near the prisoner, and told him roughly to get out of the way, at the same time giving him a blow on the shin with the broom. The prisoner immediately snatched one of the bayonets from its scabbard and, with a back-handed blow, plunged it into the right side of the deceased, who died shortly afterwards. The prisoner appeared stupefied when he saw what he had done, and upon being asked what had happened said "I have stabbed him." Subsequently he said, "I was cleaning my bayonet and he fell upon

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it; it was his own fault." In summing up the judge drew attention to the evidence as to the prisoner's lack of intelligence, and pointed out the provocation received might have affected him more strongly than it would a person of ordinary mental calibre. Guilty of manslaughter. Three years' penal servitude.—Carmarthen Assizes, Mr. Justice Bucknill.—*Times*, Nov. 11th.

This case is notable for the recognition, still too rare, although it is gradually increasing of the principle of partial or limited responsibility. It is natural, and it is pleasing to find this principle recommended by a judge so enlightened and so well grounded in psychology as Mr. Justice Bucknill.

Reg. v. *Jennings.*

Robt. Jennings, 60, labourer, was indicted for the murder of his wife. The jury was first impanelled to try whether he was fit to plead, and decided in the affirmative. Prisoner was seen holding his wife under water. The man who witnessed the occurrence got the woman out of the water and ran for assistance. Another man came up and prevented the prisoner from further injuring his wife, and there was a struggle between them. Other men came up and prisoner fetched a gun, which he pointed at them, and they ran away. Prisoner then took his daughter and carried her towards the water, but stumbled over the body of his wife, and the daughter escaped. He then jumped into the water and pulled his wife after him, and held her head under water. Guilty, but insane.—Cambridge Assizes, Mr. Justice Ridley.—*Times*, Jan. 1st, 1900.

Reg. v. *O'Byrne.*

Thomas O'Byrne, 29, labourer, was indicted for the murder of his brother-in-law, James Pullan. Prisoner and deceased had a trifling quarrel, in the course of which prisoner leaned over a table that stood between them and stabbed the deceased in the chest with a small knife, of which he died. Pullan said, "Oh! Jim, I did not think you would do that." Prisoner replied, "I am sorry; I should not have done what I did." Both were in drink at the time. His lordship's charge to the jury is well worthy of being recorded: A state of drunkenness deliberately produced was no defence for any crime whatever. When, however, the existence of a certain intent—that is of positive mental activity—was of the essence of an offence, and drunkenness disabled a prisoner from forming any intent at all, it clearly disabled him from commission of that particular offence, simply because a material element in it was lacking. It was for the jury to decide whether the prisoner was in such a condition as to intend to commit serious bodily harm on the deceased. It was worthy of notice that the police officer who arrested the prisoner did not charge him with the offence because of his drunken condition. Guilty of manslaughter. Liverpool Assizes.—Mr. Justice Kennedy.—*Times*, Dec. 4th.

The jury did not share the very humane and enlightened view of the judge, but found prisoner guilty. The problem of when, and under what circumstances, and how far drunkenness, or rather the effects of drink, are an excuse for crime, is an extremely difficult one. It is admitted that ordinary drunkenness is no excuse, and it is admitted that delirium tremens and the permanent insanity due to alcohol do form valid excuses. The difficulty arises in cases of brief debauchery, which occupy an intermediate position. In dealing with these cases the charge of the judge in this case will be of great assistance.

A curious case has occurred at Manchester, in which a man was indicted for the murder of his wife and acquitted. Subsequently he confessed the crime, but of course he could not be again tried. He was, however, brought before the magistrates by his own physician, and while under arrest he appeared to be insane. Having been already acquitted of the crime the magistrates had no jurisdiction over him, and he was discharged and re-arrested at once as a lunatic wandering at large.—*Manchester Guardian*, Feb. 13th.

Charleston v. *Steward.*

Jessie Charleston sued David Steward for breach of promise of marriage. Among other grounds of defence was that several relatives, both on the father's and mother's side, had suffered from insanity. There was no suggestion of insanity

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