took what the judge is reported to have styled a " merciful view ", and returned a verdict of " Guilty but Insane ". The usual order for detention was made.

M. HAMBLIN SMITH.

REX *v.* PHILIP STEPHEN QUARRY.

This case was tried before the Lord Chief Justice, at the Central Criminal Court, on July 24 and 25, 1935.

The accused man, a joiner, æt. 22, was charged with the murder of his wife on June 9. The couple occupied a basement flat. Early on the day in question Mrs. Quarry ran into the flat above, carrying a stair banister. Quarry told Stanley Evans, the occupant of the flat, that his wife had hit him on the head with the banister. The couple then returned to their own flat. Soon after this, Evans heard screams. He went downstairs and found Mrs. Quarry lying in a pool of blood. Quarry was standing at the window, with a knife in his hand. When spoken to by Evans, Quarry " just grunted ", and had a " strange look on his face ". Later, Quarry went to the police station and said that he wished to give himself up.

Giving evidence, Quarry stated that he and his wife had been quite happy for some time after their marriage. Differences between them then arose, as she wanted to attend theatres and dances to a greater extent than he was able to afford. There was a quarrel on the night of June 8–9, and she struck him on the head with the banister, making him dizzy. He left the house. On his return she continued to " nag at him " and was waving a knife. He did not recollect stabbing her. The next thing which he remembered was that she was lying on the floor and that he was standing over her with a knife in his hand.

Evidence was given that Quarry was subject to fainting fits, and that he had suffered from convulsions during his infancy.

So far there is not much more than the assertion of amnesia which may be made by any person accused of any offence, combined with the rather vague statements about " fits " and " convulsions ", often brought up in cases such as this. But there was much stronger evidence to support the theory of an epileptic condition, upon which the defence relied.

Samuel Bennett, a police-court missionary, had seen Quarry on June 1, in connection with a suggestion of a separation from his wife. Quarry did not seem to notice what was said to him, his face was contorted, his eyes were staring, and he appeared likely to fall.

Dr. W. H. B. Stoddart stated that he had examined Quarry on July 6, and had formed the opinion that he suffered from *petit mal* and epileptic automatism. There was a history of " faints " without sufficient cause, such as on getting out of bed, having stitches taken out of a sutured wound in the finger, and a

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dental extraction under local anæsthesia ; of dropping articles without knowing that he had dropped them, of peculiar lapses of memory, and of other unusual actions. There was also a history of fits with *status epilepticus* from 5 months to 3 years of age, and of nocturnal enuresis up to the age of about 10 years. Quarry was depressed at the time of his examination at Brixton Prison, and this condition was, in the witness's experience, unusual under the circumstances. The learned judge asked the witness whether the view of epilepsy had not been suggested by the defending solicitors, prior to the examination of the accused man.

On the other hand, Dr. H. A. Grierson, senior medical officer of Brixton Prison, had kept Quarry under observation, and had found nothing to indicate that he suffered from any disease of the mind.

Judging from the reports of his summing-up, the Lord Chief Justice would appear to have been definitely unsympathetic towards the defence of epilepsy. He referred to the " sentimental nonsense which is indulged in with respect to the subject of insanity ", saying that the law on that matter is very precise and is " capable of being understood by a child ". He is also reported as having spoken of " apparently qualified doctors ", and as commenting upon the grave responsibility incurred by those who gave evidence which resulted in a sane man being sent for an indefinite period to a criminal lunatic asylum. It would seem that he regarded such detention as a worse evil for the man concerned than death by judicial hanging.

The jury found a verdict of " Guilty ", adding a strong recommendation to mercy. Sentence of death was passed, the learned judge referring to the crime as a " brutal and ferocious murder ".

The customary application to the Court of Criminal Appeal was entered, but was abandoned after the judges in that court had taken their seats upon the bench. Quarry was, however, reprieved on August 21, the death sentence being commuted to " penal servitude for life ".

It would not be proper for us to comment upon the result of a trial in which there was a direct conflict of evidence by two authorities of high repute and experience. But this case, with other cases of recent date, would suggest that events are framing themselves for one of the periodical controversies upon the vexed question of criminal responsibility. M. HAMBLIN SMITH.

REX *v.* DONALD DUFF.

This case was heard at the High Court, Edinburgh, on September 4, 1935, before Lord Morison. For the facts we are indebted to a report in the *Scotsman*, kindly supplied by Dr. Constance P. H. Hunter.

The accused man, æt. 54, was charged with the murder of his mother, by stabbing her with a pair of grass-cutting shears. The preliminary question arose of his fitness to plead.

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