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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Dr. William McWilliam, Medical Superintendent of Inverness District Asylum, had kept Duff under observation, had found him to be dull and simple, childish in his conversation, and childishly emotional when his mother's death was mentioned. He was of a low grade of intelligence, and lacked appreciation of his present circumstances. There was a history of epilepsy. He was now of unsound mind and was unfit to plead. In reply to the learned judge, the witness said that, at the time of the offence, Duff's condition was such that he did not appreciate that what he was doing was wrong. Dr. P. D. Thomson, of Dingwall, said that Duff's general appearance was that of one devoid of intelligence, his features were devoid of expression, and his movements were awkward and erratic. He did not appreciate his surroundings, and he had written incongruous statements on the walls of his room. Dr. A. T. Wallace, of Dingwall, gave similar evidence.

The prosecution offered no opposition to the claim set up by the defence that Duff was unfit to plead.

The learned judge said that the evidence left no room for doubt that Duff was of unsound mind, and that, at the time of the offence, he was incapable of distinguishing right from wrong. The usual order was made for detention during His Majesty's pleasure.

The case would seem to be one in which a man of a low grade of mentality becomes dangerous at a fairly advanced period in his life.

M. HAMBLIN SMITH.

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