Rex *v.* Albert Edward Davies.

This case was tried at the Chester Assizes on October 22, before Mr. Justive Branson. The accused is 28 years of age, and was charged with the murder of his child by drowning her. The deceased child was one of a family of five children. The mother died this year from tuberculosis. The child herself contracted tuberculosis; measles followed, and *cancrum oris* supervened. Davies was in the habit of sitting up all night with the sick child. On the morning of July 19 he went to the house of his mother-in-law, and said that he had drowned the child as he could not bear to see her suffering.

Medical evidence was given to the effect that the child's state of health was such that the shock of lifting her from the bed might have killed her; and the jury would seem to have accepted this explanation of the facts, and found the accused "not guilty."

The chief interest in the case, from our present point of view, lies in the remarks which are stated to have been made by the learned judge. In his address to the grand jury, referring to the present case, he is reported as saying: "This is a heart-rending story of a father who, driven to distraction by the suffering of his child, takes it upon himself to put an end to its suffering. I cannot avoid saying this, that it is a matter which gives food for thought, when one comes to consider that had this poor child been an animal instead of a human being, so far from there having been anything blameworthy in the man's action in putting an end to its suffering, he would actually have been liable to punishment if he had not done so. That is the state of the law, and we must administer the law." In his summing-up, the judge is reported as saying: "The prisoner was prompted to his act by love for the child, but the law of this country placed so high a value on human life that it did not allow it to be taken, even from the best of motives."

Rex *v.* Mary O'Donoghue.

This woman was tried in the first instance at the Central Criminal Court, before Mr. Justice Talbot, on a charge of child-murder. The facts were of an ordinary character. She was a single woman, and found herself in economic difficulties owing to having the child to support. The child was born on August 19. On September 21 she confessed to having strangled the child, who was then more than a month old. She was found guilty, and was sentenced to death (this sentence being, later, commuted).

The case came before the Court of Criminal appeal on November 7. It was urged, on behalf of the woman, that it should have been

https://doi.org/10.1192/bjp.74.304.99-a Published online by Cambridge University Press

left open to the jury to return a verdict of infanticide rather than one of wilful murder, and that Mr. Justice Talbot was wrong in declining to leave the question as to whether the child was "newly born" to the jury. It was stated that Mr. Justice Shearman had left such a question to the jury in the case of a child of six weeks old (Rex *v.* McConnell, tried at Reading Assizes, October 17, 1923), a verdict of infanticide being returned. The court, however, upheld Mr. Justice Talbot's ruling. The Lord Chief Justice said that the Infanticide Act, 1922, required three things to be established before a verdict of infanticide could be properly returned. (1) The child killed must be the child of the accused woman: (2) The child must be newly born. (3) At the time of the act or omission, from which the death of the child resulted, the woman had not fully recovered from the effect of giving birth to the child, and that by reason thereof the balance of her mind was then disturbed. The court held that the second of these requirements had not been satisfied in the present case. The court was not proposing to define the expression "newly born," but it was satisfied that a child of more than a month old was not within the meaning of the Act.

When the Infanticide Act became law, it was generally believed to have been passed in order to obviate the solemn and almost blasphemous farce of sentencing a woman to death with all the solemn accessories of the Black cap, etc., when everyone in court, except perhaps the unhappy victim, was well aware that there was no prospect of the death sentence being carried into effect. There have not been lacking critics who have complained of the vague wording of the Act. These criticisms will not be diminished in force by the occurrence of the present case.

Rex *v.* Edward Lloyd.

This man had been sentenced to death at Durham Assizes for the murder of a police-constable. The case was tried before Mr. Justice Roche. The defence was that of insanity, but no medical evidence was called in support of that plea. The case came before the Court of Criminal Appeal on December 12. It was urged that Lloyd had suffered from "shell-shock" in 1915, and was, in consequence, discharged from the army. In 1926 he was described as a congenital mental defective. He had attacked other persons, without any obvious reason, and he had threatened, apparently after very slight provocation, to "swing for" the man whom he ultimately murdered. The judge had told the jury, at the original trial, that a verdict of "guilty but insane" was open to them, and

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