Medico-Legal Notes.

REX *v.* EDWARD GEORGE WARE.

This case was tried at Monmouth Assizes on June 12, before Mr. Justice Wright. Some interesting points as to the "irresponsibility" of mental defectives were raised.

The accused man, æt. 23, was employed as a surface worker at a colliery near Pontypool. There was a history of his having had a fall on his head at birth. He attended school up to the age of 14 years, but never got higher than the second standard. Since leaving school, however, he had supported himself, and was described as a steady worker. He had, at first, worked underground; but he had been obliged to relinquish this occupation, because going up and down in the "cage" was said to "affect his head." He lodged at the house of one William Reece, whose wife, Beatrice Reece, he was alleged to have murdered. There was another young lodger, named Victor Morgan, who was a brother of Mrs. Reece. Evidence was given of peculiar actions on the part of the accused. For instance, he had bought a china dinner service, for which he would appear to have had little use, but of which he was said to have been very proud; for no apparent reason he took this dinner service, and smashed every piece of it against a wall.

The accused seems to have been on bad terms with Morgan, and there were frequent quarrels between them. In February there was a great disturbance, because Morgan had worn a pair of gloves belonging to the accused, who burned the gloves, and also burned a pair of shoes belonging to Mrs. Reece. Morgan said he would leave the house. Mrs. Reece then told the accused that he also would have to leave, and a quarrel resulted. The accused picked up a chopper and inflicted a number of severe wounds from which the woman died about two days later. After this, with a knife, he inflicted a severe wound on his own neck and a number of lesser wounds over his abdomen. The facts were not in dispute, and the defence was that of insanity.

Dr. J. P. J. Jenkins had examined Ware, while he was awaiting trial at Cardiff Prison. The witness had found no evidence of

https://doi.org/10.1192/bjp.77.318.597 Published online by Cambridge University Press

insanity in Ware, but regarded him as a mental defective, and as certifiable under the Mental Deficiency Acts, estimating his "mental age" at less than ten years. The reasoning power of a mental defective would, in the opinion of the witness, be more easily overthrown by a slight stimulus than would that of a normal man. The witness considered it to be most probable that Ware was actually insane when he attacked the woman.

Dr. M. Hamblin Smith, medical officer of Birmingham Prison, had examined Ware. The witness declined to give an estimate of "mental age," but he agreed with Dr. Jenkins that Ware was certifiable as a mental defective. Asked by the judge whether a mental defective would be capable of "knowing the nature and quality of his acts," the witness replied that this would, of course, depend upon the degree of mental defect existing in the particular individual; but that, in this case, there was not such a degree of mental defect as would, *per se*, prevent the accused from so "knowing." The judge then said that he would suppose that the reasoning power of a mental defective might be temporarily upset by a much slighter emotional stress than would be required in the case of a more normal man; and Dr. Smith expressed his concurrence with this view. The interesting point then arose as to whether mental deficiency could be regarded as coming within the term "disease of the mind," as that term is used in the "McNaghten rules," and the judge said that he thought it might fairly be so taken.

Dr. T. Wallace, medical officer of Cardiff Prison, who had kept Ware under special observation for about three months, agreed with the other witnesses' estimate of his intelligence.

The judge, in his summing-up, said that the jury had to consider whether Ware, at the time of the offence, was so overcome by some emotional stress as to render him temporarily insane within the definition given in the "McNaghten rules." The extreme brutality of the injuries inflicted upon the dead woman might be weighed when determining the point at issue. The jury returned a verdict of "Guilty but Insane," and the usual order for detention was made.

Mental defect was not so fully recognized in 1843 as it is to-day. The legal "irresponsibility" of mental defectives has not been fully determined. It is highly desirable that it should be settled, and this case may be a landmark in the process. There is another consideration suggested by the case. We have here a man who is undoubtedly a mental defective, but who supports himself,

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and has never got into any trouble. No one would desire to segregate such a defective, nor could such segregation be legally enforced. Then the man suddenly commits a brutal murder. The impasse is, no doubt, unavoidable, but it seems rather unfortunate.

Rex *v.* Edwin Claude Thick.

The accused in this case was a bricklayer, æt. 26. He had suffered as a child from infantile paralysis, which had produced marked deformity of the left foot—a disability of which he was acutely conscious. He was a married man, with one girl child of rather more than a year of age. All the evidence was to the effect that he was exceedingly fond of his wife and child. The three had been living with his parents, but on August 26, 1930, they moved into a newly built house. On the morning of August 29 the accused returned with the baby to the vicinity of his father's house. He gave the baby to a neighbour, asking him to give her to his (accused's) mother, with a letter. This letter stated that his wife had gone away with a Frenchman. After this he disappeared, and was not seen for about ten days, when he returned to his father's house, and resumed living there. The house which he had occupied with his wife and child was taken by another tenant. On November 27 circumstances caused the police to search this house, and the remains of the accused's wife were found in an empty space which existed between the party walls. The head and limbs had been disarticulated from the trunk, and the various parts of the body were wrapped in bed-clothes. The skull had been fractured, and the autopsy indicated that death had resulted from this injury, combined with a wound in the neck. When arrested the same evening, the accused stated that he remembered going to bed on the evening of August 26, and that the next thing he could remember was that he was awakened by the child on the next morning, and found the dead body of his wife with him in the bed. A difficult situation obviously existed, and he dealt with this by dismembering and hiding the body. To this account he adhered throughout, with absolute consistency. After his arrest there was found what may be described as a "prose poem" in his handwriting, dealing with his great love for his wife and child; this was, having regard to the circumstances, a remarkable document. The facts were not disputed, and the defence was that of insanity.

The case was originally tried by Mr. Justice Avory, on March

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