Medico-Legal Notes.

REX *v.* SELINA BEST.

This case was tried at Worcester Assizes on June 6, 1929, before Mr. Justice Shearman.

The prisoner, aged 21 years, a servant employed in a public-house, was charged with the murder of her infant child on January 31. She was confined of an illegitimate child on December 13, 1928, in the Kidderminster Poor-Law Institution. She left the institution, with the infant, on the day of the offence. She went to a local "hostel" and endeavoured to obtain admission. She was informed that there was no present vacancy, but that her case would be considered at the next meeting of the committee; pending this, she was advised to return to the Poor-Law Institution. She refused to adopt this advice, and her manner was such that the matron at the "hostel" communicated with the police. In the evening of the same day, a police officer met the accused and asked her where the infant was. She replied that it was "In the pool," and she conducted the officer to a piece of water, in which the body of the child was found. Death was due to drowning. The facts were not disputed, and the defence was that of "temporary insanity."

Two nurses at the institution stated that they had observed no signs of insanity, except that the accused would not talk. Dr. J. R. Craig, medical officer at the institution, stated that she was dull and morose. Such a condition might turn to temporary insanity in the event of some sudden stress. He had, however, observed no symptoms of "real insanity," and saw no reason to think that she did not know what she was doing.

Dr. M. Hamblin Smith, medical officer of Birmingham Prison, was called, in rebuttal, by the prosecution. He stated that the accused had been under constant observation since February 2. He had seen no signs of insanity. He did not agree with Dr. Craig that the accused was dull. Her intelligence was about the average level.

The jury accepted the suggestion of temporary insanity offered by the defence, and returned a verdict of "Guilty but insane." The usual order for detention was made.

Remarks made during the trial indicated that the defence would have been one of "infanticide" (as legally contrasted with murder), but for the decision of the Court of Criminal Appeal, in the case of Mary O'Donoghue (reported in this Journal, January, 1928), in

https://doi.org/10.1192/bjp.75.310.477 Published online by Cambridge University Press

which it was laid down that an infant a month old was not " newly born " within the meaning of the Infanticide Act, 1922. The infant in this present case had lived for seven weeks. It has often been noted that juries are reluctant to return a verdict involving a capital sentence in cases, such as this, in which there is a strong probability that the sentence will not be carried out.

Rex *v.* Edwin Gilbert Golding.

This case was tried at Birmingham Assizes on July 15, before Mr. Justice McCardie. The accused was charged with the attempted murder of his wife and his mother-in-law, and with attempted suicide. He is 54 years of age, was in business as a draper, and had always borne an excellent character as a sober, inoffensive, respectable tradesman. He suffers from a large ventral hernia, which had occasioned him much pain and worry, as he had thought that he had some malignant disease of the bowel (his father had died from that cause). Early in the morning of June 7, he rose, made tea, and returned to bed. Some two hours later, he went into the room occupied by his wife and mother-in-law, the latter being a chronic invalid, struck both of them several blows on the face and head with a hammer, and then inflicted a severe wound on his neck with a razor. He consistently claimed to have complete amnesia from the time at which he made the tea to the time, some five hours later, when he " came to himself " at the hospital to which he had been removed.

The facts were not disputed, and the defence was that of insanity. The accused's wife gave evidence that he had lived in perfect amity with her and her mother, for many years. There had never been the slightest quarrel. She knew of no financial cause for worry on his part. He had often complained of headache, and had been in great dread of malignant disease. Fred Storey, a neighbour, who was called to the house at the time of the occurrence, said that the accused man " looked insane, with his eyes bulging out of his head," and made no reply when asked what he had been doing.

Dr. M. Hamblin Smith, medical officer of Birmingham Prison, had kept the accused under special observation, since his arrival at the prison on July 9, and was of opinion that he was insane at the time of the offences. He regarded the accused man's alleged amnesia as genuine.

The defence adopted the course, which is somewhat unusual in this kind of case, of calling the accused man as a witness on his own behalf. He stated that he had no recollection of having committed the offences, and assigned the limits previously mentioned for this amnesia. He was not cross-examined by the prosecution.

The jury found that the accused was guilty of unlawful wounding, but " insane at the time of the acts," and the customary order for detention was made.

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