present case there was no evidence on which the jury could properly find Dr. Adam to have failed to exercise reasonable care. It was suggested that he should have gone up to London himself or should have sent his assistant. But it was proved that the assistant was entitled to be absent from Malling Place on that afternoon, and that Dr. Adam could not leave the house without a medical officer; and in these circumstances he was entitled to rely on the information given him by Dr. Bond on the telephone, coupled with his own previous knowledge of the case, as sufficient ground for bringing the patient back, subject, of course, to the duty (which he performed) of personally examining him on his return. He agreed that there was no evidence of negligence and that Dr. Adam was entitled to judgment.

He desired to make one further observation. The fact that the appellant, whom the jury found to be sane in December, 1912, and whom they doubtless considered to be quite sane at the time when the action was heard, had been confined as a lunatic during the greater part of the interval between those dates, had naturally given rise to anxiety. It was not proved at the trial or found by the jury that during that interval the appellant was of sound mind; but it was not impossible that the jury took that view, and desired to compensate the appellant for his long detention by giving a verdict for heavy damages against the two defendants. If the defendants had been really responsible for an unjustifiable detention of the appellant during all those years, the sum awarded might not have been excessive; but the full investigation of the case both by the Court of Appeal and by this House had led to the conclusion that no such responsibility could be justly laid on Dr. Bond or on Dr. Adam. The Lunacy Acts provided for the protection of the public against the risk of unjustified detention by forbidding the detention of any person as insane except on a proper certificate and in a place duly certified for that purpose, and by requiring that every patient so confined should be personally seen and examined at regular intervals both by the Commissioners in Lunacy and by the visiting justices, and should be free to make complaint (in letters which must be forwarded unopened) to the Lord Chancellor or the Judge in Lunacy, to the Secretary of State or to the Commissioners, or to the persons (generally his relations) on whose petition he had been confined. It might be—he did not say that it was—the fact that all these precautions were insufficient, and that the lunacy laws required to be further strengthened in the interests of the persons whom they might affect. But even if that was so, that was no reason for visiting with vindictive penalties persons who had acted in good faith, and who were not responsible for any defect in the law.

In his opinion the Court of Appeal came to the right decision, and he moved their lordships that the appeal be dismissed, with costs.

Lord Dunedin and Lord Buckmaster gave judgment to the same effect.

Lord Atkinson and Lord Sumner concurred.

Solicitors: Messrs. Rooper and Whately; the Solicitor, Ministry of Health; Mr. W. E. Hempson.

(1) Extract from the *Times* report, May 16, 1925.

Rex *v.* Hubert Sterry.

This case was tried at Gloucester Assizes, June 8, 1925, before Mr. Commissioner Vachell. The prisoner was charged with unlawful carnal knowledge of a girl of 8 years of age. The prisoner is an epileptic. And a somewhat novel line of defence was suggested by his counsel, who urged that the offence had been committed during a condition of epilepsy. Counsel did not, however, ask for a verdict of "guilty but insane," but suggested that as there was no voluntary act on the prisoner's part he was entitled to an acquittal. The judge refused to entertain this view, saying that there could be no half-way house. Either the prisoner was responsible, or, if he had committed the offence during an epileptic

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condition, he must be detained as a criminal lunatic. With this position we think all our readers will agree.

A very detailed statement, made by the prisoner, was read, dealing with his movements on the day of the assault. This ended with the words, "I went quite silly, and lost my senses for quite half-an-hour. I went into a sort of fit, and when I came round I had hold of her hands." The prisoner gave evidence, and stated that he had no recollection of the serious parts of the child's story, but that he did remember what he said to her afterwards, how he gave her a penny, pinned up her clothes, and told her to go home.

Dr. M. Hamblin Smith, Medical Officer of Birmingham Prison, gave evidence. The prisoner had been under his charge, and was an epileptic. There were conditions connected with epilepsy in which a man might commit a crime of which he had no recollection afterwards. These conditions might precede, follow, or replace a fit. But no conditions of this kind had occurred while the prisoner had been under observation. And the witness considered that it was extremely improbable that the offence could be accounted for in this way. He considered that all the circumstances of the case were against such a supposition.

The judge summed up. The prisoner was found guilty, and was sentenced to 15 months' imprisonment.

Rex *v.* Ernest Rhodes.

This case was tried at the Central Criminal Court on May 15, 1925, before Mr. Justice Greer. The prisoner was 19 years of age, and was accused of the murder of a girl named Blackaller, who was a pupil-teacher at a dancing academy. The facts in the case were not disputed, the prisoner having made a confession. And the interest gathered round a difference of opinion as to the prisoner's mental state at the time of the crime.

Evidence was given that the prisoner was always talking about Thorne and other murderers, and that he had expressed the opinion that Thorne was a hero. The prisoner was often depressed, and complained of his head, and his appetite was enormous. His sister stated that he had been regarded as "peculiar" since he was a baby.

Dr. Hyslop had examined the prisoner on May 4. He had degeneration of the nervous system, and some of the symptoms indicated that he had actual brain disease. Enormous appetite was a very common symptom in mental deficiency. Dr. Hyslop regarded the prisoner as being a mental defective within the meaning of the Mental Deficiency Act; and he was, further, of the opinion that the prisoner was insane at the time of the commission of the crime.

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