Medico-Legal Notes.

REX *v.* GEORGE CLIFFORD WRAY.

This case comes to us from Western Australia, and was tried at Perth on September 8 and 9, 1930, before Mr. Justice Draper.

The accused, æt. 19, a clerk, was charged with the murder of Charles David Patterson, a taxi-driver, on August 11, by shooting him in the head. The accused hired the taxi. Later on the same evening he returned to his home, and told his father that he had killed a man. The taxi was found on the road, with its driver sitting dead at the wheel. In the accused's pocket there was found a curious document, apparently in his handwriting, in which he outlined a most fantastic scheme for a bank-robbery, to be carried out with the aid of a taxi-cab. The facts were not disputed, and the defence was that of insanity.

Evidence was given to the effect that there had been several cases of psychosis in the accused's family; that he had done well at school; that he was of a reserved and seclusive nature; and that he was addicted to the reading of sensational stories of crime. (The prosecution had suggested that these stories were the real cause of the offence.)

Dr. C. B. Kerr, medical officer of the prison, stated that he had kept the accused under observation, and considered that he was suffering from dementia præcox. Such a man would not have the power to control his actions. The accused had told the witness that he had seen the bullet making a red track through the brain of the murdered man. Another curious thing mentioned by the accused was that he had meant to place a rat, in a box the bottom of which was smeared with fat, upon the body of the bank manager named in his scheme; the rat would thus be induced to eat its way into the vitals of the victim. The accused claimed that he could learn to drive a motor car, an art of which he was entirely ignorant, in two hours, on a dark night, and from a hitherto unknown taxi-driver.

Dr. James Bentley, Inspector-General of the Insane, gave similar evidence. He considered that the accused was incapable of dissociating his dreams from his waking thoughts.

https://doi.org/10.1192/bjp.77.316.196 Published online by Cambridge University Press

The published report of the summing-up suggests that the judge was strongly in favour of the insanity plea. He pointed out that the evidence of the two doctors, both of whom were Government officials, had not been rebutted. The criterion of criminal responsibility which he gave to the jury was whether the accused had, at the time of the act, the power to control his actions.

The jury found the accused "Guilty" of wilful murder, but added a recommendation to mercy, on account of his youth and weak mind. The accused was sentenced to death.

On September 24 the case was brought before the Court of Criminal Appeal at Perth. After hearing Counsel, the Court held that the verdict was against the weight of the evidence, and that it was an unreasonable verdict. The conviction was, accordingly, quashed, the accused was acquitted on the ground of insanity, and an order was made for his detention during His Majesty's pleasure. Power of control over his actions was laid down as the proper test of a man's criminal responsibility. The Court held that, in the absence of any contradictory evidence, the jury was bound to accept the opinion of the two official medical experts.

Assuming the newspaper report to be accurate, the case is of interest, as indicating that the criterion of "responsibility" under the law of Western Australia differs from the rules in force in this country. The power of a man to "control his actions" has been advocated as the correct test by various authorities, notably by the late Sir James Fitzjames Stephen. It will be remembered that, in 1923, the committee presided over by Lord Justice Atkin recommended that the present legal criteria of "irresponsibility" should be extended to cover the case of a man who committed an act under the influence of "an impulse which he was by mental disease deprived of any power to resist." There are obvious objections to this test; and it would, if adopted, be likely to occasion as many, and as acrimonious, disputes as occur under the existing criteria.

Rex *v.* George Augustus Pugh.

This case was tried at Stafford Assizes on November 25, 1930, before Mr. Justice Hawke.

The facts were not disputed. The prisoner was accused of the murder of a girl named Bratch. He was a plumber, æt. 18. He had been courting the girl for some time, and she was pregnant by

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