BRITISH MEDICAL ASSOCIATION.

The sixty-third Annual Meeting was held in London, July 30th to August 2nd, 1895, and was one of the most successful which has as yet assembled.

The section for psychology was well attended and of the highest interest. President, W. John Mickle, M.D.; Vice-Presidents, J. T. McDowall, M.D., H. Rayner, M.D., T. Claye Shaw, M.D., D. Nicolson, M.D., G. H. Savage, M.D., L. A. Weatherly, M.D.; Hon. Secretaries, J. Chambers, M.D., J. Taylor, M.D., T. Seymour Tuke, M.B.

We have much pleasure in referring our readers to the pages of the Journal for record of part of the scientific work done.

RECENT MEDICO-LEGAL CASES.

ABSTRACTED BY C. MERCIER, M.B.

[The Editors will be obliged by Members of the Association sending them the fullest reports of all the cases in which they may be concerned, or which come to their knowledge, especially what may be contained in the law reports of local newspapers.]

Reg v. Smith.—"The Barnsley Child Murder."

Prisoner went to the house of a neighbour and borrowed a cobbler's knife, returned home, took his daughter (aged 3) on to his knee and cut her throat. Very shortly after the murder prisoner said to a neighbour, "I have done it, I have killed my daughter Laura." When placed in the dock the prisoner seemed dazed, and when asked to plead, mumbled out some words which could not be understood. At the suggestion of the prosecution a plea of not guilty was entered. Counsel for the *prosecution* (Mr. Wallace, Q.C.), after stating the facts of the case, added that it was his duty to place before the jury facts which, he thought, would lead them to the conclusion that at the time the prisoner was not responsible for his actions.

Dr. Kay, Superintendent of Wadsley Asylum, gave evidence that the prisoner's father had committed suicide, and repeated statements tending to prove insanity that had been made to him by the wife of the prisoner: "The hereditary predisposition to insanity, the injury to the head, and the fact that he had been confined in an asylum shortly before the murder, went to prove that he was insane at the time he committed the act. Witness felt perfectly satisfied that at the time of the occurrence he was not responsible for his actions, and he was insane at the present time."

The Judge—Do you think he would know the difference between right and wrong?—Yes, if he were asked the question.

Do you think he was capable of understanding the nature and quality of the act?—No, my lord.

On what ground do you say that?—I think he was thoroughly under the influence of the idea of killing the child, and his mind was so disordered that he did not know what he was doing.

Do you think he understood that using the knife on the child's throat would deprive it of life?—Yes.

Was he capable of deliberation?—I think not.

Was he capable of controlling the impulse?—No, I think that some physical restraint might have brought him to.

Do you think anything short of that would have done it?—No, I do not.

Dr. Clark, Medical Officer of Wakefield Prison, said that at the time of the occurrence the prisoner might have been able to distinguish right from wrong in the abstract, but he could not restrain himself, and was not able to understand the nature and quality of the act he committed.

The Judge is reported to have said that the only question for the jury was whether at the time he committed the act the prisoner was sane.

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The jury found the prisoner guilty, but insane.—West Riding Assizes, Leeds, Dec. 13th, 1894 (Mr. Justice Collins.)—"Sheffield and Rotherham Independent," Dec. 14th.

There was clear evidence that the prisoner knew the "nature and quality" of the act.

Reg. v. Hallsay.

Prisoner was indicted for committing an act of indecency.

Mr. Gill, for the defence, desired the issue to be tried "whether the defendant was of sound mind and fit to plead to the indictment."

Mr. Thos. Bond stated that in his opinion the prisoner's mind was unsound. He was quite irresponsible and unfit to plead to the indictment. Dr. Savage and Dr. Blandford gave evidence to the same effect.

The jury found that the defendant was insane and unfit to plead to the indictment.—Central Criminal Court, Jan. 7th, 1895, before the Recorder (Sir C. Hall.)—"Times," Jan. 8th, 1895.

It will be noticed that the question put to and answered by the medical witnesses was the same question in the same terms as that put to the jury.

Reg. v. Blues or Boase.

Prisoner was charged with having neglected to supply food to her child, in consequence of which it died. Prisoner pleaded "that at the time the crime was said to have been committed she was of unsound mind or insane, and still continues to be of unsound mind or insane, and that she is further unable to give instructions for her defence, and not a fit subject for trial."

Dr. Templeman, Police Surgeon, Dundee, was of opinion that the prisoner was probably of unsound mind. She was quite unable to appreciate the nature of the crime of which she was charged.

Dr. J. W. Miller was of opinion that she was of unsound mind. He did not think she was in a state to give her counsel instructions.

Lord McLaren found that the prisoner was not in a condition of mind to plead.—Session of the High Court of Justiciary, Dundee, March 26th, 1895.—"Dundee Advertiser," March 27th.

The issue is more complicated than the English practice. The freedom of opinion given to expert witnesses is the same.

Reg. v. Weston.—"*The Basford Murder.*"

Prisoner, a lace-hand, æt. 51, was charged with the murder of his wife, with attempting to murder Fanny Greensmith, and with throwing sulphuric acid over Sarah Attenborough.

The wife had had on various occasions to seek refuge in neighbours' houses from her husband's violence. On the night before the murder they quarrelled when they went to bed. At six the next morning the quarrel was renewed, and went on more or less till eleven, when the prisoner killed his wife by strangling her. At half-past twelve prisoner walked up to Mrs. Attenborough, his next-door neighbour, who was entering her own back door on her return from a visit, and threw sulphuric acid over her. He then drew a large carving knife from his pocket and attacked her, but she shut the door in his face. He then went to the house of Fanny Greensmith, the daughter of Mrs. Attenborough, and finding her in bed with her two days' old baby, tried to stab her. Hearing a noise he desisted and closed the bedroom door. He then tried to strangle the woman, but hearing someone come into the house he left the room and the house, using threats to the new-comer. On being taken into custody he gave a very clear account of what he had done, and it was found that he had on his person practically all the valuables he was able to carry away, including three watches, £7 in money, and his bank-book. He said that the husband of Mrs. Attenborough was the cause of all the trouble between himself and his wife.

Dr. H. O. Taylor, surgeon to the prison, said that he believed that the prisoner was of unsound mind. The insanity took the form of a mania of

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persecution. From his observations of the prisoner during the time he had been in prison he did not think that at the time prisoner was alleged to have killed his wife he was able when committing that crime to distinguish that he was doing a wrongful act.

Dr. Powell, Superintendent of the Nottingham Borough Asylum, agreed with Dr. Taylor. He thought the prisoner was a man of unsound mind.

At this point the Judge put it to the jury whether they wished to hear any more evidence. The question was whether at the time of the act the prisoner's mind was in such a state that he was responsible for his actions. The law said that if a man was insane and of unsound mind, that if he was so subject to delusions that he did not appear to discriminate between right and wrong, and that when he was under those delusions he thought people he came across were going to injure him—in that state of mind the law did not call the act an offence.

The jury said they would like some more evidence of the state of the prisoner's mind prior to the act. The Judge pointed out that Dr. Taylor had said that if he had known prior to the commission of the deed that the man was suffering from the unsoundness of mind called "a mania of persecution," he would have said at once that the man ought not to be at large.

Relatives of the prisoner were then called, who proved the existence of insanity in a brother and a cousin of the prisoner, and that the prisoner had suffered from delusions for many years.

The jury found the prisoner guilty, but insane.—Nottingham Assizes, July 18th, 1895 (Mr. Baron Pollock.)—Nottinghamshire "Weekly Express," July 19th.

There was clear evidence that the prisoner was aware of the "nature and quality" of the acts; that they were premeditated; and that he had taken some precautions against discovery and some measures for escape.

The medical witnesses were allowed to answer the same questions as those put to the jury.

The Judge was more easily satisfied than the jury of the prisoner's irresponsibility.

Reg. v. Hudson.—"The Roper Moor Murder."

Prisoner, a furniture dealer, æt. 23, sold his furniture and went into lodgings at a distance with his wife and child; bought a spade; dug a grave on Roper Moor three days after; took his wife and child, with whom he had lived on most affectionate terms, "more like a couple of lovers than man and wife," to the grave; cut his wife's throat, and shot her in the temple with a toy pistol; killed the baby also, and buried them both in the grave. He hid the spade in the heather; gave false reasons for his wife's disappearance, and advertised within three days of the murder for another wife.

After the main facts had been proved, prosecuting counsel (Mr. Waddy, Q.C.) said he had just learnt that the defence proposed to raise the question of the prisoner's state of mind. Prisoner had been medically examined, but he had not intended to call the doctors. He would now call them, so that the defence might cross-examine them.

Dr. J. T. Hingston, Superintendent of the North Riding Asylum—I have examined this man on two occasions, and think he is of sound mind. I do not see in this crime the slightest trace of insanity. There is no sign of epilepsy. There is not the slightest shadow of insanity about the prisoner.

Dr. C. N. Hitchcock, Superintendent of the York Lunatic Hospital—I have had an interview with the prisoner. There is nothing from which I can come to the conclusion that he is of unsound mind.

Dr. Tempest Anderson, Sheriff of York, Consulting Physician to the York Lunatic Hospital—I have examined the prisoner. I have not seen any symptoms of insanity about him.

Witnesses for the defence then proved that the prisoner had suffered at times from severe pain in the head.

Dr. Bevan Lewis, Superintendent of the West Riding Asylum—I have not

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examined the prisoner, but from facts gleaned from a consultation with one of the doctors who examined him, and from the history of the case, it is possible that there was some suggestion of minor epilepsy. I have no reason, however, to suppose the man is insane. The circumstances connected with the purchase of the spade and the digging of the hole lead me to believe that the prisoner is subject to morbid ideas. It is consistent with the theory of epilepsy that morbid ideas should be recurrent.

Do you think he was morbid when he took out the carving-knife?—I do.

And morbid when he committed the murder, if he did it?—Yes.

Henry N. Ogleby, Medical Officer of York Union—I have examined prisoner, and arrived at the opinion that he is strongly neurotic. By neurotic I mean a person in whose family history there has been one or more cases of insanity, epilepsy, St. Vitus' dance, or hysteria. Prisoner, in my mind, is a typical neurotic, judging not only from his hair, eyebrows, the shape of his ears, the twitching of his hands, but particularly from the shape of his teeth and hard palate. Prisoner gave me an account of what happened. As to what he could have heard at the inquest or read in the newspapers he had a very good knowledge of the facts, but as to what had been done to himself, which he could not have learnt from the newspapers, he appeared very confused. Prisoner told me that he had a very severe headache during the week before the murder.

Cross-examined—Prisoner is a victim of sudden impulse. An impulse might suddenly seize him, and it might linger in his brain for some days. My opinion is that on the Wednesday prisoner was suddenly seized with an insane impulse to murder his wife.

The Judge said that the jury had to consider whether at the time the prisoner committed the crime he was responsible for what he did. The law was perfectly clear. A man who had taken the life of a fellow creature could not be acquitted on the ground of insanity unless it was shown to the satisfaction of the jury that he did not know the nature of the act he had committed, or that he did not know it was wrong. In the present case there was not a particle of evidence to substantiate that plea. As to the state of his health there was no reliable evidence to warrant the jury in coming to the conclusion that the prisoner was insane.

The jury found a verdict of guilty, and the convict was subsequently executed.—Yorkshire Summer Assizes, York, July 23, 1895 (Mr. Justice Mathew).—"Leeds Mercury," July 24.

This case is remarkable for the wide latitude allowed to the medical witnesses for the defence. It may be added that in spite of the statement of the Judge that "there was not a particle of evidence," "no reliable evidence" to support the plea of insanity, the prisoner was examined after sentence by independent experts. It will be noticed that as soon as the prosecution was aware that the plea of insanity would be raised, the experts who had examined the prisoner on the part of the Crown were placed in the box for cross-examination by the defence.

Reg. v. Warboys.—"*The Peckham Murder.*"

Prisoner, a labourer, murdered his wife. The fact was admitted, but it was urged that he had suffered great provocation, and that his mind had been affected by a sunstroke. The jury found him guilty of manslaughter only, and the Judge sentenced him to five years' penal servitude.—Central Criminal Court, June 21, 1895 (Mr. Justice Wright).—"Standard," June 22.

The "Standard" refers in the following terms to the case:—"The doctrine that mental weakness—falling short of that degree of insanity which the law recognizes as a complete exculpation from the responsibility for a crime—may be both a partial exculpation and a circumstance which may properly be considered in mitigation of punishment is, to all intents and purposes, one of modern growth. . . . There can be no doubt that the application of this doctrine with still greater freedom than hitherto is desirable. It rests on an absolute basis of scientific fact. It is supported by a mass of judicial authority

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. . . and it encourages juries to do their duty by convicting offenders who deserve punishment, but not the punishment which perfectly sane criminals ought to receive."

It is extremely satisfactory to find not only that a judge will adopt this doctrine, but that a great journal of the authority and influence of the "Standard" supports and favours it. There is no doubt that, in the past, harm has been done and medical opinion has been discredited by the advocacy of the plea of insanity, involving the plea of total irresponsibility, in inappropriate cases—in cases, that is to say, in which some mental weakness or disorder was present, but in insufficient amount to wholly exonerate the convict from respon-ibility. We commend this doctrine of partial responsibility, which had a warm and distinguished advocate in Dr. Yellowlees at the recent meeting of the British Medical Association, to the earnest attention of medical experts. No only is it more scientific and more in accordance with the just merits of many cases than the plea of total irresponsibility, but it has a far greater chance of success in the Courts.

Reg. v. Coffin.

The prisoner, a dentist, was indicted for stealing from the pockets of overcoats at his club. The plea in defence was not insanity, but a series of nervous headaches, aggravated by influenza and by the death of a near relative. It was urged that though the prisoner was not insane, his mind was to some extent affected, and sufficiently so to negative any presumption of felonious intent. The jury acquitted the prisoner.—County of London Sessions, April 29, 1895 (Mr. Bompas, Q.C.).—"Times," April 30.

This case is remarkable for the complete acquittal of the prisoner in spite of the facts not being disputed, and of the plea of insanity not being raised.

Captain Leroux, of the barque *St. Joseph*, was recently tried before the Marine Commercial Court at Cherbourg, charged with having abandoned his ship. The Court found that he was at least temporarily irresponsible for his actions, but suspended him for two years, and sentenced him to two months' imprisonment. Captain Leroux was seized with a fit in Court, and on the restoration of consciousness was found to have right hemiplegia.

THE CLINICAL RESEARCH ASSOCIATION, LIMITED.

This Association was originated in the autumn of 1894 for the purpose of assisting medical practitioners "in the investigation of the causes, progress, and results of morbid processes, whenever help to this end may be gained by accurate reports on the results of microscopical, chemical, or bacteriological examinations." The Association is a Limited Liability Company, controlled by doctors, the majority of whom are medical men in actual practice. The work of research is carried on by experts having no direct pecuniary interest in the Association, otherwise than as salaried officials. With regard to the provision of funds for carrying on the work, members are not at present asked to pay an annual subscription, and this course will be followed until the end of 1895. Thereafter, whatever course is followed in respect of mode of payment, all medical men who have joined before that date will be considered as original subscribers, and will be exempt from further subscription, should any such be found desirable. These facts are taken from the "Handbook" of the Association (obtainable from the Secretary, Mr. C. H. Wells, 1, Southwark Street, London Bridge, S.E.), to which reference may be made for full details as to the scope of the work undertaken, methods of transmission of specimens, scale of charges, etc. Urine, sputum, water, diphtheritic membrane, and morbid tissues generally, are examined. Results are communicated by telegram, if desired, and we can state from personal experience that the

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