it is nothing uncommon to see a joint of meat flung across the mess-room. I was very pleased to hear Dr. Benham's remarks about the hot-water plates. He suggested margarine, and I would suggest that he should label it: no one took up my suggestion of dripping. I used to find that it was in great demand by the staff. I would suggest that patients might be allowed to add milk and sugar to suit their own tastes when tea or coffee is served Of course, it would be impossible to deal with large numbers, but in dealing with saner patients in the convalescent wards it might be feasible, especially if they sat at small tables.

RECENT MEDICO-LEGAL CASES.

REPORTED BY DR. MERCIER.

[The Editors request that members will oblige by sending full newspaper reports of all cases of interest as published by the local press at the time of the assizes.]

Rex v. *Scott.*

William Scott, 38, farm labourer, was put on trial for the murder of his wife, whom he shot with a revolver,—facts were undisputed. For the defence it was proved that the prisoner had been subject to depression, which had got worse the last few years; that three instances of insanity had occurred among his relatives, and that a few days before the crime he had lain down in a furrow in a ploughed field for two hours. It was proved also that he was addicted to drink. Acquitted on the ground of insanity.—High Court of Justiciary, Aberdeen, June 24th, Lord Kincairney.—*Scotsman*, June 25th.

The evidence of insanity seems to have been very slender, and the case is an instance of readiness of judges and juries to accept the plea of insanity even where the evidence is not very strong.

Rex v. *Wickham.*

Walter Wickham, clerk, 30, was indicted for the murder of Jennie Russell. The prisoner and the deceased had been drinking on the night before, and had been heard quarrelling. Shortly after midnight the prisoner cut her throat in the street, from which she died on the spot. When the prisoner was arrested and charged there seems to have been something peculiar about him, for the inspector asked him if he understood the charge. The prisoner answered, "Yes, yes. You can charge me with being drunk and disorderly or anything else." The plea of insanity was set up in defence, but the jury found him guilty. When the judge was sentencing him to death the prisoner tried to get away, shouting. "I won't hear any more." When the sentence of death was completed he shouted, "A good job."—C.C.C., Mr. Justice Wills.—*Manchester Guardian*, July 24th.

There seems to have been *primâ facie* evidence of insanity in this case, and no doubt the prisoner was medically examined subsequent to sentence. There was, however, no evidence of insanity adduced at the trial.

Rex v. *Johnson.*

Mary Elizabeth Johnson, a married woman, 29, was indicted for the murder of her 14 months old child. Prisoner had been summoned for stealing and pawning a coat. The charge was not pressed, and she was bound over in her own recognisances and left the court in company with the neighbour who had preferred the charge. She seemed very much distressed, and on her way home she said she must poison herself and the baby, and the next morning she actually did so. To the neighbour who came in and found the baby dead and the prisoner in great pain she said, "Jennie is dead, I gave her some rat poison in warm milk; I won't live myself, I have taken too much poison. No one knew my mind, I was ashamed to go out. I have bought a night-dress for Jennie and a chemise for myself. The night-dress is to be put on Jennie." When committed for trial she said, "she did not know what she had given the child, and everything seemed like a dream. She suddenly found the child dead in her arms and laid it on the bed." The defence was insanity. Dr. Price, Medical Officer of Walton Prison, said that the prisoner had been suffering from acute melancholia, was suicidal, but had homicidal

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tendencies. Guilty, but insane.—Liverpool Spring Assizes, Mr. Justice Wills, May 6th.—*Manchester Guardian*, May 7th.

Another case indicating the humanity of latter-day judges and juries. It was proved indisputably that the prisoner premeditated the crime, and that she knew the nature and quality of her act, and that it was wrong, yet the plea of insanity was established without the slightest difficulty, and with the full approval of the judge.

Rex v. *Butler*.

Thomas Butler, who murdered his five children, was placed at the bar and found unfit to plead. He protested that he was perfectly fit to understand the whole proceedings, and protested against the evidence to the contrary.

Rex v. *Bentley*.

Edgar Bentley, 26, designer, was indicted for the murder of W. E. Kilner. Prisoner and deceased were on very friendly terms, and were walking in the street when the prisoner suddenly turned upon the deceased and shot him with a revolver. When arrested he said, "I want to go to Wadsley" (the local lunatic asylum). On being charged he said, "Yes, yes. The answer that I have to make is that I am off my head, I am insane." It was proved that about eight years ago the prisoner suffered from an attack of melancholia, and that similar symptoms of insanity had shown themselves last autumn. He became so much depressed that he had to give up his work and go to Ireland for his health. Medical evidence was given that the prisoner on the day of the murder was not responsible for his acts. Guilty, but insane.—Leeds Assizes, May 12th.

The prisoner's recognition of his own state immediately after the murder was unusual, and such statements must be looked upon with great suspicion, but there seems no doubt about the genuineness of the case.

Rex v. *French*.

Edward Thomas French, medical practitioner, was indicted for the murder of his wife. It appears that the prisoner was addicted to drinking, and also to the use of chloral. On the day in question he went to bed in the afternoon, and was seen by a servant in bed, apparently asleep, about 6. At 7 o'clock the servants were aroused by screams, and, running to the room from which they proceeded, found Dr. French attacking his wife with a hammer in one hand and a surgical knife in the other. She was stabbed through the liver and heart, and died in a few minutes. The plea of insanity was raised, and five medical men gave evidence that the prisoner had suffered for many years from chronic inflammation of the scalp, which affected his brain. The judge charged the jury very fairly, and stated what is undoubtedly the law, that if a man is drunk, even to the extent of not knowing anyone, he is just as guilty in the eye of the law as if he commits a crime as a perfectly sober man. Guilty of manslaughter, and sentenced to penal servitude for life.—Westmeath Assizes, July 1st, Mr. Justice Holmes.—*Irish Times*, July 2nd.

The verdict was distinctly Hibernian. If the prisoner was not insane he was guilty of a very heinous murder, but the jury steered a middle course, and it seems that substantial justice was done.

Rex v. *Cox*.

Hannah Johnson Cox, 28, was indicted for the murder of her two children, aged two and a half years and five months respectively. The prisoner had been deserted by her husband, and had to rely upon her neighbours for food for herself and her seven children. The husband owed £17 for rent, and a judgment order had been obtained, and in consequence the prisoner had been turned out of her house. She applied for an order for the workhouse, but the relieving officer refused to give her an order unless her husband went into the house with her. This seemed to make the prisoner very depressed, and on the morning of June 14th she was seen by the canal side nursing her two youngest children. Shortly afterwards their bodies were found tied together in the water, and the prisoner went to the police station, where she made the following statement:—"I have just put my two children into the canal. I pushed them through the rails, but I never heard them cry after I put them in. I shall be hung now, and that

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will end it all." When charged she said that she loved the children better than she loved her life. Medical evidence was given, in which it is evident that the doctors tried to find signs of insanity, but were not successful. Dr. Spence, Superintendent of Burntwood, said that by the direction of the Treasury he had examined the prisoner, and could not say there was anything the matter with her mind. It was probable that she yielded to a sudden impulse, which led her to form the idea that she would be doing the best she could for her children if she drowned them. The judge said it was clear to his mind that the prisoner, through misery, had lost her reason at the time she did the deed, and he thought the jury would be of the same opinion. Guilty, but insane.—Stafford Assizes, July 24th, Mr. Justice Bingham.—*Manchester Guardian*, July 25th.

This is an excellent instance of the modern practice in criminal cases. It was quite impossible to bring the case under the strict letter of the law. It could not possibly be said that the prisoner did not know the nature and quality of her act, or that it was wrong. The doctors, with every desire to find evidence of insanity on the part of the prisoner, were unable to do so, but, under the circumstances of the case, the judge took upon himself to disregard the legal formula altogether, and almost directed an acquittal. In this way whatever defect there may be in the statement of the law is counteracted, and substantial justice is done. This being the effect, it would be pedantic to object to the law under which such results are obtained, or to demand the substitution of some other formula, which would probably be found equally defective, and certainly would not be more effectual. The late Mr. Justice Stephen called attention to a quality of law, which he said some people call elasticity and considered a good thing, and others called vagueness and considered a bad thing. Upon the whole, we are constrained to adhere to the first view.

Rex v. *Rumley*.

William Augustus Rumley, 36, porter, was indicted for the murder of Charles R. Buckland. Prisoner and deceased were in the same employment, and had always been upon good terms. They were walking together along the street, when prisoner suddenly stopped, drew a knife from his pocket, and stabbed deceased in the neck, so that he died in a few minutes. Prisoner walked away and was stopped by a police constable. Prisoner made a lunge at the officer's stomach with his knife. When charged prisoner said he had had a lot of trouble, his children having died. He became very violent, and made a determined effort to get away, saying that he wanted to go to his work. At the time of the trial he was quite sane. The judge said there could not be a shadow of doubt that the prisoner was not in a responsible state of mind when he committed the act. It was proved that prisoner had suffered from fits, and when thirteen years of age he had tried to cut his throat. He had four children, all of whom had died, the last having been accidentally drowned. Since their death he had been very melancholy, and had made attempts to commit suicide. Dr. Bastian had examined the prisoner at the request of the Treasury. He was of the opinion that the prisoner committed the deed while in an automatic state, following on a modified epileptic attack. Guilty, but insane.—Central Criminal Court, July 25th, Mr. Justice Wills.—*Times*, July 26th.

The theory of epileptic automatism used to be laughed out of the courts. It marks a very satisfactory change that it could be so easily and completely established in this case.

Rex v. *Moody*.

Cyril Moody was indicted for shooting at James Samuel Cox and wounding him with intent to murder. The attendant had been a visitor at the house of the plaintiff, but had left. He went to the house at night, having had a good deal of drink, and let himself in with a latch-key. He then knocked at the door of the prosecutor's bedroom, with a revolver in his hand, and when the prosecutor opened the door an altercation took place, the revolver was fired, and the bullet struck the prosecutor in the region of the heart. The defendant was stopped by a police constable, to whom he said, "All right, I did not mean to do it. It was done in a moment; he should have kept away; let me see him." The defence was that the defendant was in a state of drunkenness and nervous prostration,

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which deprived him of the capacity of forming any intent at all; he did not fire at the prosecutor, he took no aim; that his mind was an absolute blank at the time in consequence of the drink that he had had. The jury found him not guilty of shooting or wounding or intent to murder or do bodily harm, but guilty of unlawfully wounding. Six months' imprisonment in the second division.—C.C.C., July 18th, Mr. Justice Wills.—*Times*, July 19th.

This case contrasts with that of Dr. French's reported above. Intent was the essence of the crime with which he was charged, and in consequence of the drink that he had taken he was not capable of forming any intent; so that although drunkenness is no excuse for crime, yet in fact, in this case, the drunkenness of the defendant did have the effect of exonerating him from the crime with which he was charged, and it seems most probable that the same consideration weighed with the judge and induced him to inflict a very lenient sentence.

In re *Lawrence White*.

This was an appeal from a refusal by Mr. Justice Lawrence to issue an order to bring up the body of Lawrence White. The application was made on behalf of Mrs. White, whose husband was 83 years of age, she being about 55. Mr. White was now suffering from senile decay. A short time ago Mr. and Mrs. White came to the neighbourhood of Egham to stay with Mr. Spiller, the respondent. During the time they were there Mrs. White was removed to the infirmary on the ground that she was of unsound mind. She was discharged after a fortnight, and went to fetch her husband. Mr. Spiller declined to allow this, or give the wife access to the old gentleman. Mr. White was possessed of little or no will of his own, and an order of Court was issued that Mr. Spiller should bring up the old gentleman that they might see him. It was impossible to say that he was detained against his will, because he had no will of his own; but counsel argued that there was *primâ facie* presumption that he was being detained against his will. Mr. Justice Lawrence held that there was no such presumption, because Mr. White had been seen walking out with some one. Mr. Justice Bigham said that so far he did not see that the respondent was preventing Mr. White going where he pleased, and asked whether it was sufficient to say he had no will of his own. Mr. Marshall Hall said "he thought it was. Mr. White had no power of expressing his will." Mr. Justice Bigham: "Would you say he is in a condition to make a will?" Mr. Marshall Hall: "Certainly not." Mr. Justice Darling: "Has Mr. White made an affidavit himself?" Mr. Colam said he had not, and the cases show that he ought to do so, or prove he had been prevented from doing so. He had advised his client (Mr. Spiller) that Mr. White was not in a condition to make a will, so that the suggestion that they were keeping him for some improper purpose fell to the ground. Mr. Spiller had taken an absolutely passive attitude in the matter, and if Mr. White had wanted to go he could have done so. Mr. Justice Bigham said they could not order Mr. White to live with his wife; all that they could do was to make an order for Mr. Spiller to produce him.

On a subsequent occasion, it having been arranged that Mr. White should be brought up to London, a telegram was received from Mr. Spiller with a medical certificate that Mr. White was unfit to travel, and never would be fit to travel. In these circumstances Mr. Marshall Hall said that the Court had inherent jurisdiction to order him to produce Mr. White, and he asked that if necessary an officer of the court should be sent to assist Mrs. White in obtaining access to her husband. Mr. Justice Bigham: "What officer do you suggest?" Mr. Marshall Hall said he thought the tipstaff would be a proper person.

Here Mr. Spiller appeared, and was cross-examined. Eventually Mr. Justice Bigham, in giving judgment, said that he was not satisfied that this gentleman was detained against his will, and he was quite satisfied that he was incapable of forming a will of his own; they could do nothing under this procedure. They thought, therefore, that Mr. Justice Lawrence was right, and that the appeal must be dismissed with costs.—High Court of Justice, King's Bench Division, July 22nd.—*Times*, July 23rd.

The case is a very interesting one, but requires no comment.

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Johnson v. *Johnson* (*by her guardian*).

This was a petition for divorce on the ground of adultery, the respondent being of unsound mind. She was represented by a guardian, appointed by Justice Gorell Barnes, for the purposes of the suit.

The PRESIDENT in delivering judgment said that proceedings for divorce might be instituted against a lunatic, and the Court had no hesitation in finding that this person had committed adultery. She had been pronounced incurable for many years, and the petitioner had preferred to wait for relief until his wife's death, which had been expected. Notwithstanding the long delay in instituting proceedings the President pronounced decree *nisi*.—*Times*, April 20th.

Prosecution by the Lunacy Commissioners.

At the Warwick Quarter Sessions, last April, Mrs. A. W. Buchanan, of Rugby, pleaded guilty to unlawfully applying mechanical means of bodily restraint to her insane daughter. The prosecution was undertaken by the Lunacy Commissioners. There were further charges against the defendant of ill-treating her daughter, but these were not proceeded with after the admission of the first offence. The counsel for the prosecution said he quite believed the defendant's statement, that she did not really intend to do her daugher any harm or ill-treat her in any way. Nevertheless she had infringed the Act of Parliament, and the Lunacy Commissioners felt that the time had come when those who undertook the responsibility of detaining persons of unsound mind must familiarise themselves with the regulations. The Chairman, Mr. Dugdale, K.C., in giving the judgment of the court, said he could not quite agree that the defendant had only erred in a technical way. He thought there was a good deal of something approaching very nearly to cruel treatment of the unfortunate daughter. The magistrates, however, were favourably impressed by the fact that the mother did not appear to have lost the daughter's affection, and under the circumstances they did not think it necessary to inflict a sentence of imprisonment. A fine of £20 was imposed.

Sequel to a Lunacy Inquiry.

A Douglas boarding-house keeper was lately discharged from the Isle of Man Asylum, upon the finding of a Jury of Inquiry who declared that she was of sound mind. She sought refuge with a Mr. Fielding, at whose instance the inquiry was instituted. In the course of the day Mr. Fielding became alarmed as to her condition, and communicated with the police. She was examined by the police surgeon, and, on his certificate, was again placed in the asylum.

PARLIAMENTARY NEWS.

HOUSE OF LORDS, *May 9th*.—LUNACY (IRELAND) BILL.

On the order for the second reading,

Lord ASHBOURNE said this bill proposes to introduce a certain number of amendments into the Lunacy Laws of Ireland, the great proportion of which are already in operation in England. The first of the clauses proposes to give to the Lord Lieutenant the power to conditionally release a criminal lunatic. In Ireland we have felt the want of that power, because the criminal lunatic, during his detention at the pleasure of the Lord Lieutenant, can only be released absolutely without conditions, and that sometimes leads to difficulties, as the risk must be run, which is obvious, of absolute discharge. There are further certain amendments to provisions relating to criminals and dangerous lunatics which must be treated as privileged, subject to the consent of the House of Commons. A further important provision in the bill is the extension in Ireland of the jurisdiction over lunatics, an extension which has for years been in full operation in England. At present the whole jurisdiction is vested in the Lord Chancellor, and the amount of work involved is heavy. By the Act passed for England some years ago, the powers of the Lord Chancellor are shared in respect of criminal lunatics by the judges of the Supreme Court, such as the Master of the Rolls and the Lord Chief Justice. That works with obvious advantage, for the Lord Chancellor has sufficient help to discharge the onerous duty of this part of his jurisdiction, and the bill proposes to enable the Sovereign in Ireland as in England to give power also to

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