insane, so as not to be responsible, according to law, at the time." The existing statutory provision in this respect should be amended.

4. Until such amendment, the verdict should always be taken and entered as guilty of the act charged, but insane so as not to be responsible, according to law, for his actions at the time.

5. Accused persons should not be found on arraignment unfit to plead except on the evidence of at least two doctors, save in very clear cases.

6. The present law as to appeal should not be altered, *i.e.*, there should be no appeal on the finding of insanity either on arraignment or after trial and, in the latter case, either as to the act or omission charged or as to insanity.

7. Provision should be made, under departmental regulations, for examination of an accused person by an expert medical adviser at the request of the prosecution, the defence, or the committing magistrate.

8. Provision for a panel or panels of mental experts is unnecessary.

As to the Criminal Lunatics Act, 1884—

9. It is essential that the statutory power under Section 2 (4) should be maintained.

10. The procedure under the sub-section is satisfactory and does not require amendment.

11. The discretion of the Secretary of State should be exercised as at present.

We desire gratefully to acknowledge the valuable services of our Honorary Secretary, Mr. R. E. Ross, the Principal Clerk of the Court of Criminal Appeal. He has worked for the Committee gratuitously, and has spared no effort to make our labours easier. His profound knowledge of criminal law and procedure and his administrative experience have been of the greatest assistance.

[Black capitals are ours.—EDS.]

REX *v.* CUTHBERT CHARLES CRACROFT RICE.

This case was tried at the Central Criminal Court on November 20 before Judge Atherley-Jones. The defendant was charged with unlawfully attempting to forge a copy of the *London Gazette*. He had served as a lieutenant during the war, and on leaving the Army went to Cambridge University. He was convicted of theft in 1922. And he appears to have conceived the idea, partly in connection with this conviction, of forging a copy of an official publication, in order to bestow upon himself titles and awards of which he was not possessed, It was suggested that his object was to deceive his father and mother as to his military position.

https://doi.org/10.1192/bjp.70.288.109 Published online by Cambridge University Press

There was evidence that the defendant had been sent away from a public school, under suspicion of having won a prize by unfair means. At that time the opinion had been expressed that he was a "moral defective." Later he went to another school, at which he did very well.

Dr. Henry Head did not think the defendant was insane, but regarded him as a "person of feeble will and doubting purpose." He considered him to be a proper case for medical care. Dr. Norwood East, of Brixton Prison, gave similar evidence.

The judge accepted the view that the case was one of mental deficiency, although not certifiable under the Mental Deficiency Act, there being no proof of the existence of the defect "from an early age." He commented on the need for the amendment of the law in this direction—a view which is becoming increasingly held. He also adopted the position that the case was one for treatment, and not for punishment. And he bound the defendant over in recognizances, in order that he might enter Camberwell House, presumably as a voluntary boarder.

The judge's attitude is an illustration of the more reasonable spirit which is entering—it may be slowly—into legal practice. Cases of uncertifiable mental defect, as also cases of mental conflict, require treatment and not punishment. We welcome the signs that this fact, which some of us have been preaching for years, is becoming recognized. But there is one point which must be seriously considered. This particular case could be dealt with on rational lines, because the defendant's relations were able to pay the expenses of his residence in a private institution. What is to be done with cases in which financial resources are limited or absent? In this connection the possibility is a very real one of the charge being made that we have "one law for the rich and another for the poor." Surely the true remedy is the provision of State institutions for the treatment of these cases.

We have received a copy of a most important Act, which appears to have been passed last year by the legislative authority of the Commonwealth of Massachusetts, U.S.A. It provides that every person who is indicted for a capital offence, or who, being indicted of any offence, is found to have been previously indicted more than once, or to have been previously convicted of a felony, shall be examined by the department of mental diseases, with "a view to determine his mental condition and the existence of any mental disease or defect which would affect his criminal responsibility." The report of this investigation is admissible as evidence of the mental condition of the accused. We should be glad to learn further

https://doi.org/10.1192/bjp.70.288.109 Published online by Cambridge University Press

details as to where, and by whom, this examination is made, and also as to what extent the courts act upon the findings of the examination. But the enactment marks a great advance in criminology. It is particularly to be noted that the principle of examination before trial is recognized. Such is the logical method. And it is also the most fruitful time for investigation. The situation is largely altered when conviction has taken place. Very varied mental abnormalities would be discovered by this investigation. And the next step would be the legal recognition of these abnormalities, and the provision of institutions for their proper treatment. A similar alteration in our legal practice is wanted in this country. Combined with the investigation now being carried out into the mentality of lads and girls sentenced to Borstal treatment, and with the examination of other offenders which is now made in some of our districts, it would go far to realize the hopes of enlightened criminologists.

Dr. L. Vernon Briggs, of Boston, U.S.A., sends us a most interesting pamphlet entitled *Defective Delinquents in the Army of Occupation of the American Forces in Germany*. The American Army, on their entrance into the war, had a psychological examination made of their recruits. There were a considerable proportion of men of subnormal intelligence, whose mental defect was not sufficiently great to occasion their rejection for the army. These men proved, as was to be expected, a great source of trouble in Europe. They were constantly committing offences. The punishment awarded for these offences at first consisted of old-fashioned "penal discipline," every possible means being taken to degrade the men subjected to it. Returned to their units, they were shunned and ridiculed by their fellow soldiers. We are not surprised to learn that the commission of fresh offences was the result. Things were completely altered when a new system was introduced. Under this, every means was employed to restore the offender's self-respect. The result of this system was that the men, when returned to their units, often became the best soldiers therein, and less than 3 *per cent.* committed fresh offences.

With this as his text, Dr. Vernon Briggs preaches an excellent sermon on the subject of the general treatment of offenders. He holds that "the defective delinquent should be handled in an entirely different manner from the normal offender." Waiving the academical question as to whether there is such a person as a "normal" offender, all who have practical knowledge of criminals will recognize the type which Dr. Vernon Briggs describes. He points out that repressive penal discipline is more damaging (if that be possible) to these persons than to the average man or woman. Such treatment always calls out the worst qualities of those subjected to it. The defective

https://doi.org/10.1192/bjp.70.288.109 Published online by Cambridge University Press

delinquent requires scientific study, and classification " in groups of from one upwards," as Dr. Vernon Briggs well says. And he also claims that there is not one of these defectives who has not " something in him which will respond to the right care and treatment." And these remarks do not apply to the defective delinquent only, but to every offender. Careful study, and then individual treatment, is the only principle worth considering in penology. But this point requires to be constantly stressed. For apart from those who still adhere to the old " bread of affliction and water of affliction " penal theory, there are those who insist that in some particular form of institution lies the certain and universal way of dealing successfully with offenders.

Dr. Vernon Briggs also sends us a pamphlet on the *Organization and Conduct of the Problem of the Mentally Ill in Massachusetts.* It was published in 1917, so it is a little late in the day for a notice of it. He describes a reorganization of the psychiatric service of his State. The " Commission of Mental Diseases " consists of a paid director, who is responsible to the Governor, with four " associate members." The practical result appears to be a " one-man " system of power. Such an arrangement will have good and bad features, the preponderance of one or the other depending on the man. But the outcome here seems to have been a much more marked uniformity in the controlled institutions (sixteen in number). We note with much interest the establishment of district out-patient clinics in thirty-one places in the State. A unified pathological service was also set up. There appears to be an excellent system of classification of patients among the various institutions. But there is no " place for hopeless cases, no place where patients might not look for benefit." Some local administration is still preserved, in that each institution has seven unpaid " trustees," whose powers extend to the appointment and removal of the superintendent. Dr. Vernon Briggs wisely says that far more depends upon *personnel* than upon organization; " no mere organization can safeguard us against inefficiency."

Occasional Notes.

Dorset County Hospital Mental Clinic.

THE establishment of an out-patient clinic for early mental and allied disorders at Dorchester in October, 1922, was an event of some importance in the progress of psychiatric treatment in this country. The step had some years ago been taken in the Metropolis

https://doi.org/10.1192/bjp.70.288.109 Published online by Cambridge University Press