Medico-Legal Notes.

REX *v.* CHARLES WILLIAM ROSS.

FOR the information concerning this case we are indebted to a report provided by Dr. H. L. Gordon, of Nairobi, Kenya Colony.

The case was tried at Nairobi on November 28–December 1, 1932, before the Chief Justice of Kenya Colony.

The accused was 20 years of age. He is reported as having been only 4 lb. in weight at birth, and as not walking until his 22nd month. In childhood he was solitary and given to wandering, and came under the influence of the "Wanderobo", a primitive forest-dwelling tribe. He was given to sulks and "hysteria", and was remarkably resentful of correction. At school he took no interest in games, and was backward at work. He left school at 16, and obtained a clerical post, which he held at the time of the tragedy. He was known at this period as morose, solitary, and uninterested in sex matters. There is a history of an attack of "acute hysteria", which was followed by a speech stammer lasting for some weeks. His clerical work was satisfactory. He spent his leisure time in shooting game. He is said to have been greatly excited after the animal was shot, and would cut its throat, or otherwise end it, "with gusto". During the six months prior to the tragedy his family were struck with his increased moroseness and solitary habits.

On October 2 the accused visited a family named Stephenson, and saw a girl named Winnie Stephenson, whom he is said to have "worshipped silently". He also saw a visitor named Margaret Keppie. On October 6 he obtained a motor-car, some rugs, scent and other feminine toilet articles, a curious stock of provisions, and a length of rope. The goods were obtained by means of an order signed in the name of a principal in his employers' firm, but without any attempt to disguise his handwriting. He called for the girls about 8 p.m. and left their home, ostensibly to conduct them to a cinema. Nothing more was heard of the party until October 8, when Margaret's body was found in an old crater. Meanwhile, the accused had been found beside his ditched car. He is said to have been incoherent and confused, and to have refused food. On October 15 he led the police to the dead body of Winnie, which was lying three miles from the place at which the body of the other girl had been found. In both cases death was due to a bullet wound at the back of the head. In the case of Margaret there was also some evidence of

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strangulation. There was no evidence of rape on the bodies, but seminal stains were found on the clothing of the accused. He made a statement to the effect that Margaret had grabbed at his revolver, he had "seen red", had dragged her from the car and shot her. Winnie had begged to be taken home; they walked until she sank exhausted; "she looked so pretty, I shot her; the moon was just coming up over the hill". In a later statement he said that he had shot seven zebra on October 5, had become much excited over their blood, which had "affected his head", and that he had been troubled for some time with a "blood lust".

At the trial the facts were not disputed, and the defence was that of insanity. Dr. Dickson, medical officer to Nairobi Prison, thought that the accused had shown signs of insanity, and also thought it possible that the accused did not know the difference between right and wrong at the time of the act. Dr. H. L. Gordon stated that he had seen the accused twice, at the direction of the Crown, and had then been asked to suspend his inquiry. Later he had seen the accused at the request of the Defence. The witness considered that the accused was certifiable under the English Mental Deficiency Act, 1927 (there is no legislation of this kind in Kenya, nor would mental deficiency be a defence in a capital case in England). By the Porteous test the mental age of the accused was 9½ years, by the Stanford-Binet test it was about 11½ years, but the latter would have been lower had it not been for success in the arithmetical tests. An X-ray photograph of the skull showed that the sella turcica was abnormally small, and the clinoid processes so closely approximated as to prevent expansion of the pituitary gland. The thyroid was enlarged, and the testicles were small. Dr. Gordon considered that Ross was deficient in reasoning, foresight and judgment, and that he suffered from marked lack of control of his sex impulse. At the time of the crime he was probably suffering from this abnormal urge, and did not know the nature and quality of the act.

No rebutting medical evidence was called. Counsel for the Defence wished to quote cases reported in the *Journal of Mental Science*, but the judge upheld the objection taken by the Prosecution. The judge summed up on strict "McNaghton lines", and rejected the defence of uncontrollable impulse. A verdict of "Guilty" was returned, and sentence of death was passed.

An appeal was entered, and this was heard on December 21–22. Counsel for the Defence referred to the cases of Ware and Thick, reported in this Journal, and made their exclusion in the court below a ground of appeal. The question was argued. The presiding judge is reported as saying that the authors of the Ware and Thick reports would be "very anxious to get away from McNaghton insanity". The appeal was dismissed; the sentence was confirmed by the Governor's Council, and Ross was executed on January 11.

This is, we believe, the first occasion upon which reports of medico-legal cases in this Journal have been officially referred to in a court of law.

Dr. Gordon presents a theory as to the cause of the crime. He holds that

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it was due to an inborn sadistic perversion, contributed to by anatomical, physiological and psychological defect, and capable of manifestation in a reaction classifiable as " irresistible impulse ". (Dr. Gordon obtained evidence that Ross's father could be regarded as a psychopathic, sadistic pervert.) Ross, himself, can be looked upon as an undetected moral defective, with a recurrent perversion satisfied, previously to the crime, by the infliction of violence upon animals. His mental development had been arrested at a low level before the stage when personality is enriched by ideals. His " worship " of Winnie was an abortive attempt towards an ideal ; we have no evidence as regards her attitude towards him, but it clearly was not repellent. He " wanted " Winnie ; and when circumstances put the opportunity in his way, he succumbed to the perverted impulse which urged him to destroy both the girls. The evidence of strangulation in the case of Margaret must be considered in relation to his violence towards the animals which he had shot. Other points which have to be taken into account are the peculiar collection of articles which he took with him on the expedition, the cords having been cut from windows in his office with no attempt at concealment ; his neglect to conceal the traces of his crime, or to make any attempt to escape ; and the fact that seminal stains were found upon his clothing, although no sexual assault had been committed on the bodies of the girls. In his *Psychopathia Sexualis*, Kraft-Ebing refers to " lust-murders " in which rape is omitted and the sadistic crime becomes the equivalent of coitus.

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