

Insane Patients," and exhibited some microscopic preparations to illustrate his paper.

The proceedings them terminated.

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. Holmes.

Albert James Holmes, 23, clerk, was indicted for the wilful murder of his nephew, Thomas Uric Copland, a child *æt.* 4 months. Prisoner, who is paralysed on one side, lived at home with his mother, brother, and married sister. He has been prevented by his paralysis from obtaining constant work, but had occasional odd jobs. On October 1st he was taken to task by the brother for leaving in the rain some books which had been given him to sell, and, after some words, the brother, who maintained the home, told the prisoner that, if he could not appreciate the kindness shown him, he had better clear out. The next morning the prisoner asked his mother where he should go, and she suggested that he should go and dine with a sister. He replied, "I will go, and next day I will go round the country to look for work." He then left the kitchen, shutting the door, took from the parlour a brass poker; went upstairs to the bedroom in which the child was lying in bed; and beat him about the head with the poker so that he died within an hour or two. Prisoner then left the house, and nothing was heard of him until he gave himself up at Kingston Police Station on October 4th, saying, "I wish to give myself up for killing my brother-in-law's child on Sunday last." Later, he said, "My mother, my brother, and my brother-in-law have been trying to get rid of me because I am a cripple and been out of work. I had a row with my brother on Saturday last, and it came to a climax, so on Sunday morning I got a brass poker and struck the child on the head." On the way to the petty sessions he said, "Every time I passed a policeman I thought he was going to get hold of me." Prisoner had had no quarrel with his brother-in-law, nor is any reported with his sister. The plea of insanity was raised, and it was elicited that the prisoner had been "strange in his manner," and had been reading pamphlets on hypnotism from America. Dr. Scott, medical officer of Brixton Prison, was called for the defence. During the time prisoner had been in custody, he had had a discharge from his left ear, which was on the same side as the paralysis. Infantile paralysis, from which prisoner suffered, was sometimes associated with mental impairment, not always. He considered the prisoner weak-minded.

Mr. Percival Hughes, counsel for the defence, urged that the very brutality of the act showed that the prisoner's mind could not have been under control. Counsel contended that the act was committed under an uncontrollable impulse arising from homicidal mania. After an hour's consideration the jury found the prisoner guilty, but very strongly recommended him to mercy. The judge expressed his concurrence in the verdict, and said he would support the recommendation in every way he could.—Central Criminal Court, Mr. Justice Grantham, November 15th.—*Times*, November 16th.

It has frequently been stated in these pages that the knowledge of right and wrong test of insanity is not rigorously applied by judges, except in cases in which they have satisfied themselves, by reading the depositions, and by the tenour of the evidence, that the prisoner ought to be convicted. The case above reported seems to corroborate the statement. The facts that the prisoner gave himself up to the police, and stated that he thought every time he passed a policeman the policeman was going to get hold of him, seem to indicate clearly that

he did know that he had done what was illegal. Dr. Scott has been kind enough to send me a note of his evidence, from which it appears, as I anticipated, that he did not make any suggestion that the prisoner was weak-minded as a result of his infantile paralysis, but Dr. Scott did say that the prisoner's crippled condition would probably tend to make him sensitive, and jealous of people more healthy and active than himself. This is very true, but it is, of course, very different from saying that infantile paralysis is associated with mental impairment. It appears from the evidence that the prisoner acted with deliberate intention, and knew what he was doing and that it was illegal. The contention that he suffered from uncontrollable impulse is entirely unsupported by the evidence. The only uncontrollable impulse, properly so called, known to alienists, is obsession, and there is not the slightest evidence of obsession in this case. Counsel for the defence is reported to have contended that the prisoner suffered from "homicidal mania." It is very doubtful whether there is any mental disorder, apart from obsession, which can rightly be called homicidal mania; and if there be, there is no evidence whatever, apart from the act itself, that the prisoner suffered from this, or from any other, mental disorder.

It does not appear in the *Times* report, but Dr. Scott informs me that the judge allowed evidence to be given of conduct of the prisoner's father, which may have indicated insanity in him, and thus have favoured the hypothesis of insanity in the prisoner. The admission of such evidence shows how willing judges are nowadays, as has been frequently pointed out in these reports, to relax the strict rules of evidence in favour of a prisoner indicted for a grave offence.

The verdict seems to me right. It would be impossible to hold a prisoner insane upon such evidence as was adduced in this case, without admitting that every crime of unusual character must be held to be the outcome of insanity. It is true that the crime was unusual, and that it was committed on a motive which seems very inadequate; but undoubtedly the prisoner had an intelligible motive, and the act was done with deliberation. The prisoner was probably not up to the normal standard of intelligence, and the jury seem to have given to this fact, and to the unusual character of the crime, the fullest possible consideration, as is shown by their strong recommendation to mercy. The convict will of course be reprieved, but if he were hanged it would be very difficult to contend that such a fate is in excess of his deserts. The case is a fresh instance of the application of the principle of limited, or impaired, or partial responsibility, which is now so frequently acted upon, although it has no formal expression in legal doctrines.

The convict has since been reprieved.

Rex v. Horton.

(We owe this case to the kindness of Dr. Cleland, who sent a very full report from Australia.)

Thomas Horton, 24, bootmaker and juggler, was indicted for the murder of his wife. They had been married three months only. The family consisted of three children of Horton's by a former wife, and one child of his wife's by another man before she was married. Deceased had left the prisoner on account of his violence towards her, and was living with her mother. On the evening of Feb. 27 she was walking in the street with two other girls, when the prisoner met them and asked