

T.C.D., Assistant Medical Officer, St. Patrick's Hospital, Dublin (proposed by Drs. R. R. Leeper, Conolly Norman, and W. R. Dawson).

ELECTION OF DIVISIONAL OFFICERS.

The following were unanimously elected:—Dr. W. R. Dawson, Divisional Secretary; Drs. M. J. Nolan and A. D. O'C. Finegan, representative members of Council. Dr. F. E. Rainsford was nominated as Examiner *vice* Dr. M. J. Nolan, retiring by rotation.

DATES AND PLACES OF NEXT MEETINGS.

It was decided to ask Dr. Lawless to allow the next meeting to be held at Armagh District Asylum early in July. The kind invitation of Dr. Rainsford to hold the autumn meeting at the Stewart Institution was unanimously adopted.

REPORT OF COMMITTEE.

The Committee appointed with reference to the Poor Law Reform Commission presented their Report, which was received, and the Committee was continued.

DIVISIONAL EXPENSES.

The Secretary brought under the notice of the meeting the recommendations of the Committee of the Council with reference to divisional expenses.

VOTE OF THANKS.

A unanimous vote of thanks was passed to the President of the Royal College of Surgeons of Ireland for kindly permitting the use of the College for the meeting.

COMMUNICATIONS.

1. Dr. DRAPES read a paper entitled "A Case of Acute Hallucinatory Insanity of Traumatic Origin" (see page 478).
2. Dr. RAINSFORD communicated "Some Remarks on Two Cases of Epileptiform Type, with some unusual Characteristics" (see page 513).
3. Dr. H. M. EUSTACE read an account of "A Case of Dementia Præcox" (see page 516).
4. Dr. CONOLLY NORMAN exhibited two patients suffering from deafness of one side, with unilateral auditory hallucinations affecting the deaf ear in each case.

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. Rodgers.

Frank Rodgers, 15, was indicted for the murder of his mother. Prisoner's mother had been for years greatly addicted to drink, and her habit had greatly distressed her son, who took it much to heart. On the 12th of April he and one of his sisters had been spending the evening at the house of a friend, and returned to supper; his mother being in a drunken condition in an adjoining room. After supper he went upstairs, and took from a drawer a revolver belonging to his brother; loaded the weapon in one chamber; went down to his mother, who lay in a chair, and shot her through the neck. He then joined his sister in the drawing room, saying, "I have shot her; I think it is for the best;" adding subsequently, "It was for Queenie's sake. She could not be brought up to the life we have led the last few years;" Queenie being the name of a younger sister, aged about six. After further conversation, he suggested that a doctor should be fetched, and while the sister went out for the purpose, he took his little sister across the road to a small public house, and asked the landlady to take care of

her, saying that he had shot his mother, but she need not worry: it would be all right. He then read a newspaper until the arrival of the police sergeant who arrested him.

Dr. O. R. Ennion, who was called in to see the deceased, had attended the prisoner during the past year. Prisoner had grown about three inches in a year; had suffered from violent headaches, and from serious bleeding from the nose, resulting in anæmia. He saw the boy within a few minutes after the crime, and was of opinion that the prisoner behaved in quite an unnatural manner. He said "I have done it," and proceeded to talk about going to school next term; he was quietly reading the newspaper, and did not seem agitated or affected by what he had done, or to realise that he had done a wrong thing. The prisoner told the witness that, immediately before he fired the shot, he heard a voice saying "Do it quickly." The father of the deceased was addicted to drink, her brother and her great uncle had been epileptics, and had both been in asylums.

Dr. Percy Smith had examined the prisoner, who told witness of the voice telling him to do the act, and also repeated, several times, "There was no other way out of it." Having regard to the history of the case, and to his own examination, witness considered that the prisoner's mind was unsound at the time he committed the act; and that he was not then able to form a sound and rational judgment. The judge: In a sense, that is true of everybody who acts under the influence of passion?—Yes. You mean more than that?—I do not think there was any passion in this case. I did not ask you that. Do you mean there was a warping influence greater than, or other than, the influence of passion?—Yes, greater. Mr. Low (for the defence): And due to mental disease?—Yes. Would you describe this as a motiveless crime?—No, certainly not. It was not merely an act done on the impulse of the moment, but an act which he had considered beforehand?—Certainly. In answer to further questions, the witness testified that, in his opinion, the prisoner knew that he would be arrested, and would have to take his trial; but at the time he committed the crime thought he was doing right: his sense of right and wrong was dormant. He thought the act was, from the point of view of the comfort of his family, the right thing to do, whatever the cost.

Dr. Charlton Bastian was of opinion that at the time the prisoner committed the act, he was of unsound mind; and by this unsoundness of mind was deprived of the power of passing a rational judgment on the moral character of his act. He must have known the nature of the act, but he did not appreciate the difference between the right and wrong of it. In answer to a question by the witness, prisoner had said that he thought the result of committing such an act would be that he would have to take his trial, and be put away for a time.

Dr. E. C. Rogers of Fulbourne, who had examined the prisoner by instruction of the prosecution, was called for the defence, and read the report that he had sent to the Director of Prosecutions:—"I considered the prisoner not to be of sound and mature judgment, but find no other evidence of insanity at the present time. . . . I have formed the opinion that at the time of commission of the act, he was in a state of morbid mental exaltation, during which he made some effort to resist, but at last suddenly yielded to a recurrent impulse to commit a crime, for which an immature judgment had for some time led him to believe there was moral justification."

J. W. Rodgers, uncle of the prisoner, testified that a short time before the crime, when walking in the garden with the prisoner, the latter said, "Do you know, I fancy I see mother behind me."

In summing up, the judge is reported to have said that it is usually dangerous to attach too great importance to a theory that a crime has been committed under uncontrollable impulse; but, owing to the peculiar circumstances which had been laid before them, he thought they might assign great weight to the hypothesis in this case. The elements in the poor lad's case were first of all the predisposing tendencies—the insanity of the uncle, and the intemperance of the grandfather and mother; then the lad's own condition, growing extremely rapidly, and showing signs of physical disturbance; and the third element was the impression produced upon him by the family troubles. If the jury thought that, at the time, the lad was incapable of knowing that the act was morally wrong, they would find a verdict of "guilty, but insane." Without leaving the box, the jury returned this

verdict. Cambridge Assizes, Mr. Justice Phillimore.—*Royston Weekly News and Cambridge Express*, June 3rd.

The time is gone by when, in this country, a boy of fifteen could be hanged; and in any case, the verdict was the only one possible. The evidence of unsoundness of mind was clear, though not very strong. The heredity, the immaturity of age, and the evidence of hallucination were enough, in combination, to obtain and to justify the verdict of insanity. There are several noteworthy circumstances in the case. In the first place, the act was certainly premeditated: the lad went upstairs to fetch the revolver, and came down to shoot his mother. In the second, it is beyond question that he knew the nature of the act: he knew that he was shooting the deceased, and that the result of the shooting would be to deprive her of life. In the third, he knew that the act was wrong in the sense of being illegal; for he told Dr. Charlton Bastian that the result of it would be that he would have to take his trial. The evidence of all three medical witnesses was that he considered that, though the act was legally wrong, yet he was morally justified in doing it; and the plea of insanity was allowed, the judge charging the jury that if they thought the lad was incapable of knowing the act was *morally* wrong, etc. This is in direct contravention of Lord Brougham's contention, that only one kind of right and wrong should be recognised in such cases, and that "the right is when you act according to law, and the wrong is when you break it."

It does not appear from the report of the trial, which is a very full one, that the medical witnesses laid any stress upon the extremely rapid growth of the prisoner just before the crime; though the judge alluded to it in his summing up. This seems to me one of the most important factors in the case. I am accustomed to impress upon students the frequency with which moral aberration, as well as the intellectual deterioration, occur in young people who are, or have recently been, growing very rapidly. It seems as if growth and development draw upon a single store of energy; and when much is taken for the service of the one, little is left for the service of the other. When the draught made upon the common store of energy, for the service of growth in bulk, is inordinately large; development in complexity, evidenced mainly in the highest regions of the brain, may, must, and does suffer. Hence we find that children who are precociously clever are stunted in growth; or, at any rate, are stationary in growth during the time of their precocity: and when the regular alternation takes place, when growth asserts itself, and proceeds, as, in such cases it often does proceed, with undue rapidity; the cleverness disappears, the child becomes dull, and may fall behind, in intelligence, other children of his age. The many cases of moral aberration in young people, in which propensities show themselves to theft, to incendiarism, to crime of various kinds, are almost invariably associated with unduly rapid growth.

The judge's charge was noteworthy also for its introduction of the doctrine of "uncontrollable impulse." This is a defence, alternative to the defence of "not knowing," and is the only alternative ever admitted in a court of law, although there are many cases in which the

plea of insanity is raised, and is established, in which the one formula is as inappropriate, and as difficult to satisfy by the facts of the case, as the other. The judge said that though it was usually a dangerous theory (he meant hypothesis), yet, in this case, he thought great weight might be attached to the plea of "uncontrollable impulse." At the time he said this, he had evidently made up his mind that the lad ought to be found insane, and was wavering whether to ground the insanity on want of knowledge, or on uncontrollable impulse. Subsequently, he abandoned the latter, and elected to abide by the former test. But it is noteworthy that no third alternative occurred to him, nor, as far as I know, has any third alternative ever been submitted to a court of law.

It is noteworthy that in this, as in so many other cases reported in this Journal, the evidence of the expert, who had examined the prisoner at the instance of the prosecution, was placed at the disposal of the defence; and that the medical witnesses were allowed to give evidence as to the probable state of mind of the prisoner at the time the crime was committed,—evidence which has often been excluded.

Rex v. Samways.

Lucy Elizabeth Samways, 25, domestic servant, was indicted for the murder of her illegitimate child, Walter, æt. 3. The child had been placed in the care, successively, of various persons, and at last with a Mrs. Booth. The prisoner was behindhand in her payments to Mrs. Booth, who had told her that, in consequence, she must take the child away; and she was, moreover, under notice to leave her place, her mistress thinking that the girl was not strong enough for her work. On the day that she left service, the prisoner took the child, which was then stout and well, from Mrs. Booth. She was seen with the child in her arms at 5.30, and at 6.30 she was without it, and told her step-brother and step-sister that it was dead. It was afterwards found floating in a watercourse, having only a shirt on, and the rest of its clothes were found at the top of the prisoner's box.

The facts being proved, and several witnesses having spoken to the fact that the prisoner had suffered greatly from pains in her head,—so greatly that she had threatened suicide on account of them, and had left service and gone home, also on account of them;

Dr. W. E. Good, medical officer of the prison at Dorchester, testified that, during the prisoner's detention in goal, she had shown no symptom of mental disease, and had not complained of pains in the head.

Dr. E. J. Day, medical officer of health, had found a scar on prisoner's head, apparently the result of a very severe blow of old date, and that she was deaf in both ears. She was a moral degenerate. Her standard of morals was totally different from other people's. She would think no more of putting her child into the water than of eating her dinner. Cross-examined:—She showed these symptoms of mental degeneration (in examination in chief the term is *moral degenerate*) by the sad stories which she had told. She seemed to have no control over her speech or her actions. The judge, interposing, asked the witness what he was referring to. Witness answered,—The many different stories she had told one and another. Supposing the crime had not been committed, would you have said that this woman was mad? No, I don't suppose I should. Do you think that, at the time this crime was committed, she thought she was doing wrong,—committing a punishable offence? I think she realised at the time that she had committed the crime, but that she did not know what she was doing. I don't think she understood it at that moment. You say that she would not know that she was doing wrong in putting her child into the water? I don't think so, because of her moral standard.

Dr. Kerr, Mayor of Dorchester, testified that he had examined the prisoner at the prison, and was the magistrate who committed her for trial. He concluded