## 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. *Casey.*

John Edward Casey, 17, was indicted for the murder of Thirza Isabella Kelly, at Stokesby. The deceased was a widow of a good character, who lived alone with her baby in a small cottage. Prisoner seems to have been attracted by her, although they had never spoken. He remarked to two of his fellow-labourers that there was a nice young widow living up the yard, and that day, before the woman was killed, he was seen walking up and down in front of the house, and looking up at her windows. On Sunday, December 23rd, the mother of the deceased spent the day with her, and left her safe in the house at 9 p.m. The same evening the prisoner went with some companions to a public-house about two miles away, and there they drank from 7.15 till 10. Whilst they were there a joke was made about the prisoner, which affected him very much, so that he burst into tears. The prisoner left his companions about a mile from home. On the following morning the deceased was found lying in bed in a pool of blood, with seven incised wounds in her body, and she died the same night. During the day she said that a man, who she thought was the prisoner, entered her room during the night. She screamed and resisted him, and he threatened to kill her, and went round the bed to the side where the baby was lying. Seeing that he meant to injure the baby she sprang out of bed, and there was a struggle, during which he struck her in the body. She then fainted. Upon this the police arrested the prisoner, who said, "You have got the wrong man," but subsequently he confessed, and before the coroner volunteered to give evidence, which was to the effect that when at the public-house he had been chaffed about having killed the pig. This, with the drink he had taken, upset him. He went to the house of Mrs. Kelly and broke in—she screamed and he used his knife. It appeared that two years ago the prisoner, during the absence of his master and mistress, broke into their house, and stole a variety of articles, including women's underclothing, in which he dressed himself. He then killed the pig, scattering part of the body all over the premises. He afterwards hung up the carcass, with the underclothes stuffed inside it. The prisoner was found guilty, and sentenced to death. —Norwich Assizes, the Lord Chief Justice.—*Times*, January 31st.

It is very rarely that a case of sadism comes before the courts, but there are, no doubt, always a certain number of beings thus constituted going about amongst us. Of course, a man whose instincts are thus perverted, is in one sense of unsound mind, and an endeavour was made to exonerate the prisoner on the ground of the insanity; but the plea failed, and in our opinion it properly failed, for, granted the existence of morbid instinct, it is still to be proved that the instinct was uncontrollable. Had the prisoner gratified a normal lust in spite of the struggles of his victim, he would have been properly punished, and there is no reason why he should not be punished for gratifying an abnormal lust. To act on any other system would be to remove the influence of punishment from the very persons who most need it.

### *Reg.* v. *Finstain or Finestein.*

Marks Finstain was indicted for the murder of Deila Bashman; the deceased was a lodger in the house in which the prisoner lived with his wife and three children. On November 5th a police constable heard cries of "murder," and in consequence went into the prisoner's house, and found the dead body of Bashman on a bed in a room on the ground-floor. Her throat was cut. The constable then went upstairs, and found the prisoner with a cord round his neck. He was black in the face and covered with blood. When removed to the infirmary he made the following confession:—"I have killed a young woman. She was in love with me. She wanted me to run away with her. She gave me something to drink in the house. I went out about 9 o'clock, and I came back at 12 o'clock. She asked me to kill her and then kill myself. She laid on the bed without clothes.

She asked me again to run away with her. I told her I loved my wife and children, and could not leave them. She then said, You shall die and I as well. I did it with the bread knife." There were wounds upon the hands of the woman, and one of the prisoner's finger tips was almost cut off. No weapon was found in the room in which the dead body was discovered. At the trial the prisoner gave evidence, and swore that the woman cut her own throat, and that he tried to get the knife out of her hand, with the result that his own hands were cut. Evidence of the prisoner's good character was given. Counsel for the prisoner, and also the judge, commented upon the absence of any discernible motive for the crime. The jury found the prisoner guilty of manslaughter.—Central Criminal Court, December 10th.—*Times*, December 11th.

The plea of insanity was not raised, but the case is introduced here on account of the apparent motiveless character of the crime. There does not appear to have been any evidence at all of unsoundness of mind in the prisoner; there was no evidence of any sadistic motive such as existed in the previous case, and the general impression left by the account of the trial is that the whole truth was not elicited. Motive there must have been, but the prosecution failed to discover it. In this respect the case reminds one of the Slough accident, reported in the last issue of the JOURNAL. It must always be borne in mind that it does not follow, because no motive is discovered, that no motive existed. If the life of the household at 11, St. Anne's Lane, Leeds, for the last twelve months were laid bare, it is probable that the crime would no longer appear motiveless.

### *Reg.* v. *Peat.*

Gustave Reginald Peat, 40, labourer, was charged with the murder of Alice Elizabeth Smith. When the prisoner was placed in the dock the judge asked him if he were defended by counsel. Prisoner replied that he hoped not. He did not wish to be defended by counsel. The judge: Who is going to defend you? —I can defend myself. The judge: You know what you are charged with, I suppose? —Of course I do. I think the doctor knows. The jury were then sworn to try the issue whether the prisoner was of sound mind and fit to plead to the indictment. Dr. Scott, Medical Officer of Holloway Prison, said that he considered the prisoner insane. He thought the prisoner understood to some extent the nature of the act with which he was charged, but not the quality of it. He did not think he was in a fit state to plead or give instructions for his defence or to defend himself. The prisoner objected that Dr. Scott had only spoken to him for half an hour. Dr. Scott said he had studied the prisoner's conduct and correspondence. Prisoner said that Dr. Scott might make a mistake sometimes. If he was accused of murder, why did not they try him? The jury found him unfit to plead. (Mr. Justice Darling.)

It is rare for the trial of so sensible a lunatic to be cut short at this early stage. It would save a great deal of the valuable time of the courts if the plan were more often adopted.

### *Reg.* v. *Blackler.*

Elias Blackler, 49, hair weaver, was indicted for the murder of Louisa Minzon and her twin infant children on September 12th. The woman lived with the prisoner, and was the mother of his eight children, the two younger of whom were born on the 22nd August; last year the woman stayed for a week at Bishop's Stortford. Upon her return the prisoner became jealous and violent, threatening to kill her. After the twins were born he declared that they were not his, and told the woman to take them back to Bishop's Stortford, where they came from. For some time before the murder the prisoner worked but little and drank a great deal. He was constantly swearing at the woman and the twins, and threatening them. At length, on the day in question, he cut the throats of all three. When charged with the murder he said, "I shall say nothing." It was proved that the prisoner's uncle and cousin had each attempted suicide and been confined in the County Asylum, and that the prisoner, who was addicted to drink, complained of hearing voices, and that there was a plot against him. Medical men, whose names are not given in the report, were called to prove that they believed the prisoner of unsound mind.

Upon cross-examination they said that at the time of the murder the prisoner knew right from wrong, as well as the nature of the act he was committing. —Guilty, and sentenced to death.—Ipswich Assizes, November 9th, Mr. Justice Bruce.—*Times*, November 10th.

Upon the evidence this man was undoubtedly insane. The medical evidence was rather remarkable. A medical witness is not usually allowed to give his opinion as to whether the prisoner knew the nature and quality of his act, this being the very question the jury have to try; but it sometimes happens, when the insanity is pretty clear and the judge humane, that a medical witness is permitted to say that in his opinion the prisoner was not able to appreciate the nature and quality of his act. To give a definite opinion that the prisoner was incapable of appreciating these circumstances is, as far as I know, unprecedented, and requires a degree of courage which is unusual. In the face of this evidence the jury could scarcely bring any other verdict, but there was undoubtedly a miscarriage of justice. It is another of the frequent instances of murders committed by lunatics with delusions of persecution who ought not to have been at large.

*Reg. v. Wyatt.*

Samuel Wyatt, 37, chemist, was indicted for shooting at his father William Wyatt with intent to murder. The prisoner had been three times confined as a lunatic in Bethlem. He had led a very erratic life, and had married a woman of bad character. At two in the morning on July 20th he went to his father's house and roused the inmates. On his father opening the door, the prisoner presented a revolver and fired four times, striking his father once in the jaw. Prisoner then went to Gloucester and gave himself up to the police. Prisoner conducted his own defence. He said that he fired at his father to frighten and not to murder him, and that his father had wrongfully confined him as a lunatic, and he merely shot him that this matter might be brought into a court of law and false charges of lunacy cleared up. Dr. Craddock gave evidence, and said that at the time of the crime the prisoner did not know the nature or quality of his act nor that it was wrong. The prisoner examined him with a view of showing that he himself was sane. The judge said it was clear that the prisoner's idea that he had been wrongfully confined as a lunatic was a pure delusion; and even if it were not, it did not justify him in shooting his father.—Guilty, but insane.—Gloucester Assizes, Justice Lawrence.—*Times*, November 19th.

This is another of the continually re-occurring instances of crimes committed by lunatics, who ought not to be at large. The man was known to be a lunatic with delusions of persecution. He was allowed to be at large, and the natural consequence followed. It would be very instructive, though we fear it would be impracticable, if a return could be obtained showing the number of preventable murders committed every year by insane persons of this class. If the figures could be obtained and brought before Parliament, it is certain that the country would be appalled, and the Lunacy Act at once amended in a very drastic manner. A colliery explosion or a shipwreck involving the loss of 100 or 200 lives at one blow, excites the whole nation with horror and pity, but this continual drain of lives is not sufficiently dramatic to attract attention. If each reader of this JOURNAL would collect, each for his own locality, the cases which come under his notice, a body of figures would soon be obtained which would compel the attention of legislators to the subject; but so long as members of this Association take so little interest in the matter that they will not even take the trouble to forward reports of trials in which they appear to the editor, we cannot expect the public at large to take any interest in this subject. It is all very well to exclaim against the remissness of the Legislature in dealing with these and other subjects in which we are interested, but the Legislature helps those who help themselves, and so long as alienists are lethargic and indifferent they have no right to complain that the law remains unaltered. As it is, it is a little short of a scandal upon our branch of the profession that these murders and attempts at murder should be as frequent as they are.

*Reg. v. Watts.*

Frank Herbert Watts, 36, painter, was indicted for the murder of his wife. Prisoner had always lived on good terms with his wife and was of a peaceable disposition except when suffering from drink, to which he was much addicted. On July 6th he returned from his work in the middle of the day, and seemed to the neighbours to be very strange in his manners. The same evening he cut his wife's throat and his own. The woman died and the man was very severely injured. Two days afterwards he again attempted suicide by tearing off the bandage from his throat. Dr. Deas said that he examined the prisoner on October 25th and again on November 3rd, and that he was sane upon these dates, but had evidently been suffering from delusions. The delusions might recur, and then the prisoner would be dangerous, and might commit a crime again. There was insanity in the prisoner's family. Prisoner's counsel did not address the jury, the Judge seeming to have intimated that this was unnecessary; and after his Lordship had addressed the jury, they immediately brought in a verdict of guilty but insane.—Mr. Justice Ridley.—*Times*, November 17th.

The prisoner seems to have shown no evidence of insanity before the day of the crime, and considering his drunken habits he must be reckoned very fortunate. The Judge evidently took an extremely lenient view of the case, influenced most probably by the evidence of Dr. Deas.

*Reg. v. Prescott.*

George Prescott, 26, attendant at the Crumpsall workhouse, was indicted for the murder of Francis Southgate. Southgate, a general paralytic, was one of 150 patients under the care of Prescott, who was night attendant in the workhouse, and was assisted in his duties by one pauper helper. Southgate was noisy in the night, and Prescott compelled him to be quiet by the very effectual plan of passing the loop of a towel round his neck, putting a poker through the loop of the towel, and twisting it up like a tourniquet. Post mortem, death was found to be due to asphyxia, and the cartilages of the larynx were fractured. The evidence was as clear as possible, and the prisoner was convicted of manslaughter and sentenced to seven years' penal servitude.—Manchester Assizes, Mr. Justice Darling.—*Manchester Guardian*, November 15th.

The verdict and sentence were just, no doubt, but what is to be said of the responsibility of the guardians, who placed one man in charge of 150 "imbeciles," of whom thirty-two were epileptics?

*Reg. v. Proctor and Duncan.*

James Proctor and John Duncan were placed on trial on a charge of culpably causing the death of Robert McIntyre, a patient in the Glengall Lunatic Asylum, by throwing him down, kneeling on him, and kicking him. The charge was proved chiefly by the evidence of the patients in the asylum, several of whom were called both for the prosecution and the defence. The deceased was subjected to very brutal violence, but the jury strongly recommended the prisoners to mercy, and they got off with only three months' imprisonment each.

*Rex v. Pepper.*

George Pepper was indicted for the murder of Mary Duffy under very unusual circumstances. The couple went to a lodging-house for the night, and were allotted a bed in a room in which two other couples also slept. The night passed peacefully, but in the morning the other couples were aroused by the cries of Duffy, and saw the prisoner leaning over her, his hand going backwards and forwards and blood gushing from her throat. When arrested prisoner said, "I admit it all, drink was the cause of it." He also said he had been drinking for three or four weeks before, and did not know what he was doing. The prison surgeon said there was nothing in the demeanour of the prisoner, while under his charge, to suggest that he was insane. He knew, however, that the prisoner had been in a lunatic asylum; and taking this into consideration with the facts of the motiveless character of the crime—and it was committed in the presence of several

other people,—he should say at the time of the crime the prisoner was insane. In summing up, the Judge is reported to have said, "I believe there is no power to detain the patient in any asylum in such a case (that is when the acute symptoms have subsided), even although it may be a case of recurrent mania, and that is really a terrible state of things, as this case proves."—Guilty but insane. Dublin Assizes, Mr. Justice Kenny.—*Irish Times*, February 9th.

It is very unusual for a murder to be committed in the presence of eye-witnesses, and the whole character of the crime points to insanity. In isolated cases like this a Judge can see and appreciate the stupidity of the law, which not only allows but compels the discharge of a man who is known to be a danger to the community; but the frequency of the cases and the gravity of the danger is known only to alienists, and it is their duty to bring it before the public and to clamour for legislation until they get it.

### *The Beecham Case.*

Mrs. Beecham was a certified patient in St. Andrew's Hospital. She had, while the subject of a judicial reception order, instructed a solicitor to take proceedings for a judicial separation from her husband. A petition was accordingly prepared, and when the solicitor went down with a commissioner of oaths to get her to swear the necessary affidavit, Dr. Bayley, the superintendent of the hospital, refused to allow them access to the lady, alleging that he was acting on the authority of the Commissioners in Lunacy. Application was then made to the Court, and notice was given to Dr. Bayley to show cause why a writ of attachment should not issue against him. In the meantime, Mr. Beecham had removed his wife to his own home, and a similar notice was served upon him. The Commissioners in Lunacy were applied to, and admitted that they had instructed Dr. Bayley to act as he had done. They put in no appearance, but stated that they would obey any order that the Court might make. In the event, it was agreed that Dr. Savage, who had seen the lady, should be consulted as to the best mode of bringing her up to town to see the judge privately, and under this agreement the action against Dr. Bayley was not pressed.

It is evident that Dr. Bayley was placed in a very difficult position by the litigation going on between Mr. and Mrs. Beecham. Under the Act of 1890, Section 5 (3), the petitioner undertakes to visit the patient once at least in six months, and it would seem that this provision gives him the power to visit as often as he chooses. It would be a very unwise step on the part of the custodian of an insane person to prevent the access of the petitioner to the patient, and it would seem that in doing so he would bring himself within the scope of Section 32, which runs thus:—"Any person who obstructs any Commissioner or Chancery or other visitor in the exercise of the powers conferred by this or by any other Act, shall for each offence be liable to a penalty not exceeding fifty pounds, and shall also be guilty of a misdemeanour." It seems clear that whatever the rectitude or good taste of Mr. Beecham in visiting his wife under the circumstances, Dr. Bayley had no power to prevent him.

But the chief grievance against Dr. Bayley was not that he gave access to Mr. Beecham, but that he refused access both to the lady's solicitor and to the Commissioner of Oaths, whom he took with him. In thus refusing, Dr. Bayley was acting under the direct instructions of the Commissioners in Lunacy. In 1896 the Commissioners issued to the superintendents of institutions for the reception of insane persons a circular in which was expressed the opinion that "superintendents . . . ought not in any circumstances to permit, or knowingly to afford facility for, but ought, on the contrary, to prevent, the execution or signature by any such person of any document other than a will or codicil affecting his or her property or income." It is true that a petition for a judicial separation is not a document directly concerned with property or income, but it cannot be said that it does not affect property or income; and he would be a bold man who would venture to base his action upon the supposition that the Courts would hold that it did not affect her property or income. Under the circumstances Dr. Bayley took the proper and common-sense course. He consulted the Commissioners as to whether he was to permit access or no, and the Commissioners instructed him to refuse access.