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.]

Reg. v. *Peterson.*

THE BIDDENDEN TRAGEDY.

Bertha Peterson, 45, daughter of the rector of Biddenden, was indicted for the murder of John Whibley. The deceased, a shoemaker, had been a teacher in the Sunday-school of Biddenden, and there had been rumours, eighteen months before the murder, of his having behaved indecently towards a little girl of eleven. The prisoner was much interested in the rumour, was a disciple of Mr. Stead, took a great interest in the Criminal Law Amendment Act, and appears to have allowed her attention to be absorbed in these subjects, until she became even more crazy than the general run of the nasty-minded apostles of purity. She purchased a revolver and practised with it. She wrote to the deceased expressing her regret for the mistaken attitude she had adopted towards him, and asking him to meet her in the parish schoolroom in the presence of witnesses and shake hands as a token of forgiveness. The meeting took place, and then, asking deceased to take a good look at a picture on the wall, she placed the revolver to the back of his head and shot him dead. Evidence was given of various eccentricities in the previous conduct of the prisoner, and Dr. Davies, Superintendent of the Kent County Asylum, and Dr. Hoare, surgeon to the Maidstone Gaol, in which the prisoner had been detained pending her trial, stated that in their opinion the prisoner was under the hallucination that she was ordered to shoot the man. At this point the judge interposed and invited the jury to stop the case. The jury preferred to hear the commencement of the speech for the defence, but before its conclusion they returned a verdict of guilty but insane.—Maidstone Assizes, July 12th, Mr. Justice Mathew.—*Times*, July 13th.

This case aroused considerable interest at the time of the murder. It is another instance of the exaggerated effect that any emotional propaganda may have upon persons of unstable brain. The unfortunate woman's mind was obsessed by the pseudo-revelations of Mr. Stead's pornography, and her crime was the result of her obsession. The ease with which the plea of insanity was established is rather remarkable in consideration of the elaborate premeditation and contrivance exhibited by the crime.

Reg. v. *Ansell.*

Mary Ann Ansell, 18, domestic servant, was indicted for the murder of her sister Caroline Ansell, a patient in Leavesden Asylum. The prisoner insured the life of the deceased for £22 10*s*. Early in the present year prisoner purchased several bottles of rat poison, saying that her mistress had sent her for it. On February 22nd deceased received by post a parcel containing tea and sugar, but when used they were found to have a bitter taste, and were thrown away. On February 24th deceased received a letter containing the false intelligence of the death of her father and mother, and purporting to be signed by a cousin, who, however, denied having sent it. On March 9th deceased received by post a jam sandwich, which she shared with two other inmates. All three were taken very ill, and Caroline Ansell died. The prisoner advised her father not to allow a *post-mortem* examination to be made, and, with his consent, wrote a letter in his name forbidding the examination. The prisoner's mistress denied having sent her for rat poison, or having used rat poison.

The plea of insanity was raised on the ground that although the prisoner had never been insane she had several relatives in asylums, and Dr. Forbes Winslow was the only medical man who could be found to say that the prisoner was irresponsible. The jury found the prisoner guilty. After the trial a considerable agitation was raised for the reprieve of the prisoner, and pressure was even

brought to bear upon the Home Secretary by means of questions in Parliament with this object. The Home Secretary did not interfere, however, and the girl was hanged.

We are clearly of opinion that the verdict, sentence, and action of the Home Secretary were right. A more deliberate and cold-blooded murder has seldom been committed for a more sordid motive. The deed was planned with cunning and carried out with merciless cruelty. Of evidence of insanity on the part of the prisoner there was not a shred. It was said that she had several insane relatives, but this was denied by her father; and, even if it were the fact, it is utterly out of the question that every person with an insane heredity should be held immune from punishment. Such a practice would be intolerable, as well as most unjust. That a medical man could be found to express an "emphatic" opinion of the prisoner's irresponsibility is much to be regretted, but it is satisfactory to find that no alienist could be found to endorse that opinion.

Reg. v. *Kershaw.*

Robert Kershaw, accountant, was charged with shooting at Agnes Kershaw, his daughter, with intent to murder. Prisoner came into the room in which his daughter was sitting, and saying "Are you my daughter?" shot her in the face with a pistol. It was proved that the prisoner at the time was under the influence of drink, that he had long been addicted to drink, that he had for years cherished against this daughter a hatred, which appeared to have begun by seeing her portrait, among those of other art students, taken in a room in which were nude statues. Dr. Bevan Lewis, who had examined the prisoner five weeks after the crime had been committed, was of opinion that there was no evidence of insanity at the time of the examination, but that at the time of the crime the prisoner was suffering from acute alcoholic delirium. The judge told the jury that before they found the prisoner of unsound mind they must be satisfied that the symptoms were not those of ordinary drunkenness. Guilty. Seven years' penal servitude.—Leeds Assizes, May 13th, Mr. Justice Bucknill.—*Times*, May 15th.

It is settled law that drunkenness is no excuse for crime. Drunkenness is temporary insanity voluntarily induced. The same description applies to delirium tremens and to *mania a potu*. Yet it would be manifestly unjust to punish for a crime committed in delirium tremens, and it is manifestly not unjust to punish for crimes committed during drunkenness. Cases of crime committed in intermediate states must be judged upon their individual merits. In this case there is no doubt that the criminal was an habitual drunkard, and that he was not completely sane at the time of the crime, his sanity being impaired by his drunken habits. Had the shot been fatal, it scarcely admits of doubt that the prisoner would have been found insane. Under the circumstances a sentence of seven years penal servitude appears to be full measure, pressed down, and running over. Although the prisoner did undoubtedly deserve a severe punishment, it is submitted that he should not have been punished with full severity as a completely sane person.

Reg. v. *Sutton.*

Henry Sutton, 18, marine, was charged with shooting a comrade named Davis. The prisoner, who had been in the service a year, was on sentry duty on a bright moonlight night. On the guard coming to relieve him he fired at them four shots, one of which hit Davis. When arrested he was sober, and said that he did not know why he fired the rifle, nor even how he came to load it. He had no right to load the rifle without orders. At the trial he gave evidence that a day or two after the event all recollection of the details had left his memory, and he still remembered nothing about it. For the defence it was suggested that there had been a story current in barracks about a ghost, which was said to have been seen near the place where the prisoner was stationed, and that when he saw the guard he fired the rifle in terror, thinking that he saw the ghost. The judge pointed out that although the prisoner immediately after the act said that he knew he was firing at the relief party, but did not know why he did so, no plea of insanity was raised nor any such defence set up. The jury found the prisoner guilty, but recommended him to mercy on account of the ghost scare, and the prisoner was released upon