

Medico-Legal Notes.

REX *v.* ARTHUR CHARLES MORTIMER.

THIS case was tried at Winchester Assizes on November 25, 26 and 27, 1935, before Mr. Justice Finlay.

The accused man, *æt.* 27, a lance-corporal in the Army, Welsh Regiment, was charged with the murder of Phyllis Oakes, on the morning of August 8, 1935, by knocking her off her bicycle with a motor-car which he was driving. Such a charge would not, in ordinary circumstances, amount to more than manslaughter. But evidence was produced to show that Mortimer was in the habit of knocking women from their bicycles in this manner, and of assaulting them also in other ways. It was alleged that he was intending to occasion grievous bodily harm, and that the death which occurred from this amounted to wilful murder. The alleged killing took place at a time when the woman was cycling with her sister.

When first questioned after the occurrence, Mortimer said, "I don't remember using the car that morning, and I will swear on oath that I did not". He then began to cry, and remarked, "At times everything goes blank with me, and I don't remember what I have done". The interrogating police-sergeant stated that Mortimer had a vacant look about his eyes, and that he then became quite normal. Another police-sergeant stated that Mortimer said to him, "I had a drink or two last week, and if I knocked women about it was through the drink and the heat. I fell over a quarry when I was young, which made me have fits. I sometimes do things, but why I do them I do not know. I can't say I did not hit the woman, but I cannot remember".

Dr. H. A. Grierson, senior medical officer of Brixton Prison, stated that Mortimer had told him about the fall in the quarry and the effect of the "drink and heat". Dr. Grierson believed Mortimer to be an epileptic subject, but did not consider him to have been insane at the time of the offence.

The defence criticized the evidence of identification, but seem to have relied chiefly upon the accused man's mental state. He had been deported from Canada on mental grounds. His father spoke of the fall in the quarry at the age of 12 years and the resulting fits. Dr. D. H. Davies, of Ynyshir, stated that he had certified Mortimer at the age of 17; he had been released as "relieved" about six months later.

The prosecution relied on the fact that prisoner's driving, when followed by police, was in desperation to escape, because he knew what he had done and that he was being hunted.

The Judge, in summing up, said it was a remarkable case. Dr. Grierson had said that Mortimer was an epileptic, and although he had not had a fit for a long time, that did not mean that he might not have one at any time.

The verdict was returned of guilty of murder, and the death sentence was passed.

No evidence was called apparently from the mental institution (nor was the institution's name apparently mentioned).

The appeal was disallowed by the Central Criminal Court, but after an inquiry held on January 22 the death sentence was commuted.

