

The judge summed up that the jury need not dispute that the prisoner was probably under a delusion in regard to his wife. There was no reason to suppose that she had been unfaithful. He might have been under a delusion on that point, but that would not help him unless it was an insane delusion—that the delusion did not arise from his own jealous, suspicious temperament, but from an actually diseased mind. If the prisoner was a man whose brain was diseased, and if the outcome of that disease was an insane delusion that had no foundation whatever, they must acquit him on the ground of insanity; but if he was a man of suspicious disposition, who allowed a few not very important incidents to prey upon his mind, and these had overcome his self-control so that in a fit of passion he had used his revolver with fatal effect, then they must bring in a verdict against him.

The jury found the prisoner guilty of culpable homicide.—Dundee Circuit Court, January 15th, 1897 (Lord Low).—*Dundee Advertiser*, January 16th.

The evidence of insanity was very slender, and the prisoner's own chief witness did not consider that the crime was due to his delusion. The summing up was very fair, and the verdict appears to meet the merits of the case.

Reg. v. Allcock.

Prisoner, a collier, aged 26, was indicted for the murder of his wife on September 17th. During virtually the whole of their married life prisoner had been jealous of his wife, and had suspected her and accused her of unfaithfulness. It did not appear that there were any grounds for his suspicions. On the evening of the murder the prisoner and his wife were together in the house of a neighbour, and the prisoner sat in a crouching position on his haunches, and appeared dazed. He was found to be crying, "sobbing bitterly," and water was offered to him "because they thought he was fainting." He followed his wife home, and shortly afterwards cut her throat. After the crime he walked to the police station, two miles distant, and said "I have come to give myself up. I have murdered my wife. I have cut her throat with a razor. She has wronged me. She has been going with another young man. I have stood it till I can't stand it any longer. I wanted her to go to bed and she would not." On being cautioned, he said "It's no use, you will have to do your duty. I loved her and she has wronged me." He was very calm.

Dr. Evan Powell, of Nottingham Borough Asylum, had examined the prisoner on the 16th November, at the request of the Treasury. Prisoner appeared dazed and absent-minded. His demeanour was extremely morose and sullen, and it was very difficult to engage him in conversation. He appeared to lapse into a condition of absent-mindedness and reverie. Witness had to put the same question to him several times before he could get an answer. He considered the prisoner to be an insane person. Witness had very grave doubts whether the prisoner knew that he was doing something wrong, something criminal, when he killed his wife.

Dr. O'Neil, medical officer to the prison, said that prisoner had been very quiet and sullen, speaking very little, but otherwise had not done anything to indicate insanity.

The judge said that the only question was whether it was established on behalf of the prisoner that at the time he committed the act he was insane and did not know the nature and the quality of the act. If they found that he knew he was killing his wife, and knew also that it was wrong, then they would say he was a sane man, and liable to be punished for his crime. A great deal had been said about medical evidence. He was sorry to say that he did not attach that peculiar value to purely medical evidence which perhaps some people did. He always thought that madness was a thing easily detected by those who had opportunities of associating with the person affected, and he always thought, too, that the best evidence of madness was the testimony of those among whom the person had lived—those persons who had the best opportunities for observation . . . and he should take the statement of a warder, say, who had had him in charge, as being

quite as valuable as a gaol surgeon. He could not imagine anyone associating with a lunatic without observing it. . . . There was not the slightest suggestion made by any witness of the prisoner being suspected of insanity before September 17th. . . . The medical evidence must be looked on with great suspicion. It was very probable that any person under such circumstances being medically examined by a stranger would have a shrewd suspicion of what the doctor was there for.

The jury found the prisoner guilty.—Nottingham Assizes, December 4th, 1896 (Mr Justice Day).—*Nottingham Daily Express*, December 5th.

The evidence of insanity, as adduced by counsel, was three-fold. 1. The conduct of the prisoner in crouching on the ground and crying on the evening of the murder. 2. His extreme and groundless jealousy and suspicions with regard to his wife's unfaithfulness. 3. The evidence of Dr. Powell. On none of these grounds was the evidence very cogent. The first is scarcely inconsistent with sanity. The second, while it is no doubt present in many cases of insanity, is present also in many cases in which insanity is not suspected; and the evidence of Dr. Powell was not very strong. It is true that he considered the prisoner an insane person, but when the grounds of his belief were examined they amounted to no more than a certain absent-mindedness in the prisoner. There may have been other circumstances which influenced Dr. Powell in coming to a conclusion, but they do not appear to have been stated in Court. The prisoner's mother had been insane, and the continuous, extreme, and, as it appears, groundless jealousy by which he was possessed, and which undoubtedly actuated the crime, is evidence that his mind was not altogether a normal and well-balanced mind. But if the possession of a mind that is not altogether normal and well balanced is to render a criminal immune, how many criminals will be punished? It is difficult to see how, upon the evidence before them, the jury could have arrived at any other result.

It will be observed that the judge laid down the meaning of the law in its narrowest sense, although in other cases the same judge has interpreted the same law in a widely latitudinarian manner; and it is manifest from a pretty extensive observation of criminal trials, in which insanity has been pleaded, that the terms in which the judge expresses the law depend upon the view that he takes of the criminality of the prisoner. If it appears to him, after reading the depositions and hearing the evidence in Court, that the prisoner is unsound in mind, he states the law in such a way as to make it easy for the jury to find the prisoner insane. But if, as in this case, he takes a strong view that the prisoner ought to be punished, he charges the jury in the strict terms of the law. If this variation in practice is undesirable, it is difficult to see what legislation would be effectual in eliminating the personal equation from the judicial bench.

The remarks of the judge upon the value of medical evidence in cases of insanity are to be regretted; for it is to all good citizens a matter for regret when the administrator of justice, who should represent the majesty of the law in his dicta as well as in his demeanour, goes out of his way to make himself ridiculous even to a section of her Majesty's subjects. And when Mr. Justice Day declares that he cannot imagine anyone associating with a lunatic without observing it, by which he no doubt means observing the insanity, he exhibits such a profound ignorance of insanity as entirely abolishes the authority, and indeed the interest of anything that he may say upon the subject. It is therefore not worth while to deal with the rest of his regrettable remarks on medical evidence.

Reg. v. Collins.

Louis Collins was found guilty of libelling Mr. G. Boulton. Mr. Commissioner Kerr, who tried the case, expressed grave doubts as to the prisoner's mental condition, and postponed sentence that prisoner might be medically examined. Prisoner was certified as insane, and application was made to the Home Secretary for his removal to an asylum. No sentence was pronounced.