

SOUTH-EASTERN DIVISION.

The Spring Meeting of the South-Eastern Division was held, by the courtesy of Dr. Amsden, at the Essex County Asylum, Brentwood, on 24th April, 1901.

Present: Dr. Fletcher Beach (President), Drs. Percy Smith, Gardiner Hill, Crochley Clapham, R. H. Steen, E. France, J. S. Bolton, Robert Jones, A. Newington, H. E. Haynes, D. Bower, Lieut.-Col. J. W. Evans, I.M.S., Drs. H. Kerr, J. Benson Cooke, F. Edridge Green, J. Peeke Richards, C. E. P. Forsyth, J. F. Taylor, A. H. Spicer, J. Grimmond Smith, W. C. Worley, Miss A. de Steiger, Drs. George Amsden, J. Turner, G. N. O. Slater, O. Hanbury, A. N. Boycott (Hon. Sec.). Visitors: Drs. R. W. Quennell, A. Quennell, and the Rev. H. Stephens.

After luncheon a meeting of the Divisional Committee was held. During the morning and afternoon the members inspected the wards and grounds; and at 2.45 p.m. the general meeting of the division took place, when Dr. Fletcher Beach (President) took the Chair.

The minutes of last meeting were read and confirmed.

The Hon. Secretary read a letter of thanks from Dr. Langdon Down for the vote of condolence passed at the last meeting.

A resolution expressing the sympathy of the division with G. Harold Urmson, Esq., Commissioner in Lunacy, on the occasion of his recent accident, was proposed by the President, seconded by Dr. Amsden, and unanimously carried.

OFFICIAL RECOMMENDATIONS.

Dr. A. Norman Boycott was nominated as Honorary Secretary for the South-Eastern Division for 1901-2.

Drs. Bond, Percy Smith, and T. O. Wood retired by rotation from the South-Eastern Divisional Committee, and Drs. Steen, Moore, and Chambers were elected in their places.

The names of Dr. Savage and Dr. Kidd were nominated to the Council to fill vacancies on that body at the next annual meeting.

NEXT MEETING.

An invitation from Dr. Moore to hold the Autumn Meeting of the Division at the Holloway Sanatorium, Virginia Water, in October, 1901, was unanimously carried.

PAPERS READ.

Dr. ROBERT JONES read a paper entitled "The Importance of the Teaching of Insanity to the Medical Student and Practitioner."

Dr. ARTHUR SPICER read a paper on "A Case of Spontaneous Fracture."

A hearty vote of thanks was accorded to Dr. Amsden and to the Committee of the Asylum for inviting the Division to meet at Brentwood.

The members afterwards dined at the Café Monico, Regent Street.

MR. CRACKANTHORPE ON CRIME AND PUNISHMENT.

The Lord Chief Justice presided over the annual meeting of the Society of Comparative Legislation in Lincoln's Inn, on February 19th last.

Mr. CRACKANTHORPE, K.C., read a paper on "Crime and Punishment from the Comparative Point of View," in which he said it was well to have our comfortable optimism disturbed if our methods were to be improved. Modern penal law he defined as "a weapon of social defence tempered by justice to the individual." Sir James Stephen and Beccaria had shown that crime was in former times viewed objectively only, and without regard to the offender's character. On this principle the French code of 1810 treated the criminal as an abstraction, and the legal limits of punishment for specified crimes were laid down with mathematical precision. The rigour of the code was, however, modified by the admission of "extenuating circumstances." The Belgian code of 1867 discarded the theories of Beccaria and accepted those of Pellegrino Rossi, who laid great stress on the reclamation of the criminal. The new school of criminologists treated the

criminal as the complex product of inherited propensities and the atmosphere in which he had been brought up. Its advocates were—in France, MM. Tarde and Lecassagne; in Belgium, M. Prinz; in Russia, M. Fornitzki. In Italy the subjectivity of the criminal had been pushed to its extreme by Lombroso and Garofalo, the former laying principal stress on physiological peculiarities, the latter on the influence of the social factors of life. In Germany the connection between crime and its causes formed a separate department of study under the name of *Die Kriminalpolitik*, of which Professor Franz von Liszt, of the University of Berlin, was a powerful exponent. The first State reformatory for youthful offenders originated in the United States in 1825. Another attempt was made at the French agricultural colony of Mettray, founded in 1829 by M. De Metz and the Vicomte de Courteilles, of which a special feature was the *maison paternelle*, where sons of well-to-do parents who had proved unmanageable at home and were between the ages of 16 and 21 could, by virtue of a provision of the French Civil Code, be sent to undergo for a period of six months a course of curative moral treatment and instruction at their parents' expense. Again, the principle of our First Offenders Act, 1887, was first resorted to in Massachusetts, where the juvenile, after being convicted and admonished, was placed in charge of a probation officer, whose duty it was to watch over his conduct, and if it were unsatisfactory to report to the Court. In France the *loi Berenger* of 1891 had been borrowed from our Act of 1887; but under the French law a defined sentence was pronounced, so that the first offender knew precisely what his punishment would be if he got into trouble again. Dealing next with the professional criminal, Mr. Crackanorpe stated that every European code, except the Spanish, treated the *recidiviste* more severely than the first offender, the French law on this subject being more elaborate than the German, and the Italian more elaborate than the French. Among our own judges there were wide differences of opinion and practice. The question might well be threshed out by means of an international congress, with hope of like fruitful result as had followed the International Penitentiary Congresses which had been held in most of the capitals of Europe. The first of these was held in London in 1872, and as a consequence of these congresses improvements had been made in almost every country in Europe. It was for this reason he had proposed at the Congress of Comparative Legislation held in Paris last autumn that an international commission should be appointed for the purposes explained in a letter in 'The Times' of August 17th last. This commission would possess one novel feature of supreme importance, in that it would bring an expert on prison discipline into close personal contact with experts on the theories of sentencing. These two subjects had been too long kept apart. Judges should not only ponder carefully over their sentences, but should also know precisely the nature of the punishment inflicted. He agreed with Dr. Anderson and with Mr. Justice Wills, in his letter recently published in 'The Times,' that the uniform severity of penal servitude was a serious obstacle to the elimination of professional criminals, and that our existing methods of punishment were too monotonous and inelastic. The new commission might make some valuable suggestions on this head, and he (or his successor) might at no distant date be able to present to the society a body of carefully sifted opinion, capable of being translated into rules for practical guidance.

Dr. MORRISON, in opening the discussion, pleaded for an ætiological inquiry. The discovery of prisoners' antecedents would often evoke pity rather than severity. He entirely differed from Dr. Anderson in respect of the treatment of the habitual. If long sentences and harsh treatment were indiscriminately to be employed, the burglar would not stick at murder, and society would suffer the more. The wide discretion of the judge in England was, in his opinion, much better than the mathematical precision of the French system.

Sir RAYMOND WEST agreed with Dr. Morrison on the question of judicial discretion, and his opinion was confirmed by his experience in Egypt, where technical reasons sometimes made inevitable the infliction of a ridiculously severe sentence for trifling offences. English lawyers might learn from the Indian Penal Code and also from the practice of revision by High Court Judges of sentences of inferior tribunals.

The LORD CHIEF JUSTICE, in moving a vote of thanks to Mr. Crackanorpe, agreed that great good might come from an international consideration of these

matters. The judges, he believed, had more knowledge of the conditions of prison life than they were credited with, and he hoped that every judge and magistrate would make himself acquainted with the prison officials and the actual workings of our prisons. He was in general agreement with Mr. Justice Wills, than whom there was not a more humane and conscientious judge on the Bench.

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. Gibson.

This was a Scottish murder case, in which the plea of insanity was raised in bar of trial. Dr. Rorie, Dr. Tulloch, and Dr. Templeman were examined on behalf of the prisoner, and gave evidence of great length. They seem to have detailed the whole substance of their interviews with the prisoner, and were specially questioned by the judge as to the possibility of their being deceived by feigning on the part of the prisoner. Ultimately his lordship pronounced that the prisoner was insane, so as to be incapable of giving instructions for his defence, and ordered him to be detained to await His Majesty's pleasure. It will be seen that the Scotch practice differs from that in this country, inasmuch that the question of ability to plead is not tried by a jury, but by the judge alone.—Circuit Court, Dundee, March 30th, Lord Kinnair.—*Dundee Advertiser*, April 1st.

Rex v. Eddington.

Maud Amelia Eddington was indicted for the murder of John Bellis, and also for attempting to commit suicide. Prisoner had been engaged to marry the deceased, and there had been some love trouble between them. She bought a revolver and went to the shop in which he was employed, and exactly what happened is unknown, although a witness was present. Prisoner and deceased were close together and there was a scuffle between them, during which three shots were fired, of which two struck deceased in the head, so that he died shortly afterwards, while the third grazed the prisoner's temple. Her own account was that she went to the shop in order to shoot herself in the presence of the deceased, that he interfered to prevent her, and diverted the shots to his own head. The jury took this view and acquitted the prisoner, who then pleaded guilty to the charge of attempting to commit suicide. For this she was sentenced to fifteen months' hard labour.—Central Criminal Court, March 28th and 29th, Mr. Justice Phillimore.—*Manchester Guardian*, following days.

The sentence, nominally for attempting to commit suicide was, of course, really for shooting her lover. If she had done no damage by her shots she would have been bound over to come up for judgment when called upon; however, substantial justice was done, supposing the view of the jury was a true one; but a good deal of doubt is left in the mind of the reader of the report.

Rex v. Harrow.

James Harrow was charged with the murder of William Tastard and David Ewing. Insanity was pleaded in bar of trial, and the proceedings were similar to those in the case of Gibson, the medical witnesses giving evidence at great length, being closely cross-examined as to the possibility of fraud and malingering on the part of the prisoner. It appeared that the prisoner had long cherished the delusion that Tastard intended to stab him, and that he had had aural hallucinations corroborating him in the delusion. The Judge found him insane and unfit to plead.—High Court of Justiciary, Aberdeen, Lord McLaren.—*Aberdeen Journal*, March 30th.

Another of the numerous instances to which attention is repeatedly called of murders committed by lunatics who ought not to have been at large.