

OCCASIONAL NOTES OF THE QUARTER.

Homicidal Insanity.

The following case, which was tried at Lewes, on July 18th last, before Baron Martin, is of some interest with reference to the defence of insanity or homicidal impulse. It was a fortunate thing for the prisoner that a gentleman like Colonel Calvert was found to take so much interest in him, and to supply the funds for his defence. Had he been left to his own resources, there can be no doubt that he would have been found guilty, and in due course hanged. The case is interesting also because of the absence in the summing up of the judge of any reference to the right-and-wrong criterion of responsibility.

John Jordan, a soldier, 39 years of age, was indicted for the murder of one John Semple, a child, at Climping, near Littlehampton, on the 5th of May last.

Upon the evidence the history of the case was this. The prisoner was a gunner in the Royal Artillery, who had been at Woolwich and Gosport, but at the time of the dreadful act in question was stationed at a fort at a place called Climping, near Littlehampton. A bombardier named Semple was in the charge of the fort, and the murdered child was one of his children. The fort stands on a retired spot on the Arun, a quarter of a mile from any habitation. There were two gunners under the bombardier at the fort, one of them the prisoner, the other named Reardon. They were all under the immediate command of a non-commissioned officer named M'Clelland, who lived across the river. The commanding officer, a Captain Marshall, lived at Portsmouth. The prisoner is married; his wife lived near Dover, and he was desirous of being nearer to her. On the 11th of April last he applied to M'Clelland to forward an application to Captain Marshall for his removal to Dover. M'Clelland accordingly forwarded the application. Unfortunately, however, that very night the prisoner stayed out, and did not come back all night, nor until nine o'clock next morning. He was then, in the usual course of military discipline, put under arrest by Bombardier Semple, and kept in confinement a couple of days. In the meantime, Captain Marshall, who had received the prisoner's application, had heard of the occurrence. The prisoner had earnestly begged that it might not be reported to him, but the bombardier had reported it to M'Clelland, who

stated that he must report it to Captain Marshall, and it had been so reported. The result was that Captain Marshall, for the present, refused his application. After this, on more than one occasion the bombardier had to rebuke the prisoner for breaches of duty, and the last occasion was on the 1st of May. On the 5th of May, which was Sunday, the prisoner went to church with the bombardier and his children, as usual, and seemed on very good terms with them, chatting with the children, especially with the little boy. After dining with his fellow-soldier Reardon, the prisoner went to a place where a razor was kept, took it, and went out on the ramparts, where the bombardier's children were playing. Soon an alarm was raised by the cries of the children, the bombardier and his wife came out, and found the poor child lying on the grass with its throat cut, and the prisoner was seen running away. He was immediately pursued and apprehended; he did not deny the act, but said the devil must have tempted him to do it. Before the magistrates, he said "I have had a great deal preying on my mind; I hardly knew what I was doing. Two years ago my wife went away, and I have had a great deal on my mind ever since. The bombardier, his wife or family, never did me any harm that I am aware of. It was the fort that preyed on my mind; there was not sufficient company, nor enough work. If it had been a livelier place, and with more company, it would have worn off." Up to the time of the act and afterwards the prisoner's conduct and demcanour had been rational and sensible.

The first witness called was the bombardier himself, the murdered child's father, who described the circumstances under which he and his wife, running out, found the poor child, with its throat cut, lying on the grass.

In cross-examination for the prisoner, it was elicited that he had been some 20 years in the service, and had stripes which indicated 17 or 18 years' good service; in re-examination, that the prisoner always seemed sensible and rational.

The poor mother was called. The learned Judge suggested that she should not be subjected to the pain of an examination which was unnecessary, and accordingly she was only asked one or two questions. She proved that the prisoner knew, and had remarked, that the child murdered was their pet.

Reardon, the fellow soldier of the prisoner, proved that after dinner the prisoner read a novel for about half an hour, and then went to the box containing the razor, took it out, put on his tunic, and went out on to the battery, from which he could see right round the fort. A few moments afterwards came the alarm—the children's cries—the father and mother running out, and then exclamations of horror. The witness stated that the prisoner had always seemed quite right, and that he was a very sensible man. The prisoner's counsel elicited that he was usually a well-conducted man, and that was all that was asked in cross-examination.

The medical attendant proved that the child's throat was cut from ear to ear, and a few yards off the razor was picked up in the direction in which the prisoner had run away. The witness stated that the prisoner had never applied to him for medical advice or assistance. In cross-examination the prisoner's counsel endeavoured to elicit from the witness opinions in favour of a defence of insanity; but the witness said he had not had experience in cases of insanity. He stated, however, that there was a form of insanity in which paroxysms came on without any warning visible to persons not skilled and experienced. Most maniacs, he said, were liable to fits and paroxysms. Depression, loss of spirits, loss of sleep, loss of appetite, &c., were premonitory symptoms, which might indicate a state of mind likely to lead to such an act, and being in a solitary place might tend to aggravate such symptoms which would be still further aggravated by confinement. But in re-examination Mr. Lumley Smith elicited that although all this was true of maniacs, there was generally something in a person's previous and subsequent conduct or demeanour to indicate that he was a maniac. He admitted that he had not made lunacy a special study, and he said he spoke rather of persons who were known to be out of their minds.

The ferryman proved that when the prisoner came to him to be ferried across the river, just after running away, he trembled very much. He knew the prisoner well, and said he always seemed like other persons, in the full possession of his senses. There was no cross-examination of this witness.

M'Clelland, the master gunner, under whose command the bombardier and the prisoner were, was called as a witness. He assisted in apprehending the prisoner, who said, "It's of no use to deny it." Asked what he did it with he said with a razor, which he had thrown away in the grass. Witness asked him how he came to do such a deed, and the police-sergeant cautioned him, and then the prisoner said he had no animosity against the bombardier or his family, and it must have been the devil. Witness said he saw the prisoner daily, and he always seemed to be in his full senses, and had a good character. An attempt was made by the prisoner's counsel to get out that he had had a wound on the head in the Crimea, but witness had never heard of it.

When the police arrested the prisoner he said, "It would have been a good job if I had died long ago. Is the child dead?"

Captain Marshall was called, but nothing material was elicited. Again, it was attempted by the prisoner's counsel to prove that he had had a wound, but the witness had never heard of it, and in answer to a question from the counsel for the prosecution, he stated that the prisoner always seemed to be in his full senses.

This was the case for the prosecution.

Mr. Barrow addressed the jury on behalf of the prisoner, urging the defence of insanity. He admitted that every man must be deemed to be sane until proved to be insane, and that the onus of proof was on

those who set up the defence. But he urged the absence of apparent or intelligible motive. The imprisonment of the prisoner and the failure of his application had occurred a month previously. Moreover, the application had only failed for the time, and after that there was no more than a rebuke. The theory, he suggested, for the defence was one of homicidal impulse—a fit or paroxysm of mania. He admitted that he was not able to show that the prisoner had sustained any wound. But he was a man whose general conduct was good; his wife, however, had left him two years ago, his mind had been broken down by the blow; he sank into a state of depression, lost his sleep, his spirits, and his appetite; and he had actually been placed in hospital, and removed from Woolwich to Gosport, where, however, the same symptoms intervened. Unhappily, after this, the man was removed to this lonely solitary fort, and there his mental affection returned and was aggravated by the loneliness he suffered. Then ensued the imprisonment, which still further aggravated the affection of the mind under which he laboured, and which resulted in this unaccountable act. He knew he should be told that it was dangerous to make the act itself evidence of insanity, but here he urged the other evidence in the case led to the conclusion to which he desired to lead the jury, and he urged that it was more likely that the act was the result of insanity than of revenge.

In support of the defence thus opened Colonel Calvert, who had formerly been stationed at Woolwich, when the prisoner was there, was called. He had been recommended to him as a man of good character, and his conduct had always been good. He was most humane and very fond of children. He was fond of his wife, and felt the loss of her, but when she left him, which was only for a few days, there was no change in his demeanour, and they made it up, but afterwards he heard she left him again. Afterwards, in 1870, when the witness went to Gosport, he had the man down there to recruit his health. The man was after this taken into hospital, and it was stated that it was for *delirium tremens*, but this, the witness said, he did not believe. He saw the prisoner in hospital, when he complained of pains in the head, and that he could scarcely remain still in bed, owing to a sort of shaking. The man said he could not sleep or eat—he felt so worried. The man left the hospital, but afterwards went in again. Upon leaving Gosport, the witness warned the commanding officer that the man ought not to be sent to an out-fort, and that if he was he would probably go melancholy mad, as he was always melancholy when solitary. The colonel stated, in conclusion, that he supplied the funds for the defence.

In cross-examination, Mr. Smith elicited that what the witness had apprehended was that the man would commit suicide, not murder. He feared not insanity, but suicide from melancholy.

Major Dann, who had succeeded Colonel Calvert in the command at Woolwich, gave similar evidence in favour of the accused.

Dr. Hogg, who was attached to the Royal Artillery at Woolwich in 1870, when the prisoner was under his care, read his notes about him, which described him as "suffering from loss of sleep, spirits, and appetite," arising from mental depression. Witness said he had had some experience in a certain class of cases of insanity—puerperal cases—and he believed loss of sleep and spirits and appetite were often preliminary symptoms of fits of mania, and in this case he thought that confinement at the fort might have produced an outbreak.

In cross-examination Mr. Smith elicited that all this was more than two years ago—for a few months at a time—when the man was actually suffering from loss of sleep, &c. ; but these symptoms might pass away, and constantly did so. He admitted that in his own experience he had never known such symptoms result in madness. His experience was in puerperal cases and cases of *delirium tremens*. He did not prescribe for the man medically, and what he feared was drinking and suicide from shame. Asked if on the eve of an outburst of mania he should expect that the symptoms would intervene, and whether he should expect to find a man taking his dinner as usual, he hesitated at this, but at length said he should in a peculiar case like this. Mania varied, he said, so much.

Re-examined—The witness said there were many suicides in the army, arising chiefly from drink, and it was this which he had apprehended in the present case.

A man was called from the hospital, who proved that in 1870 the prisoner had been admitted for *delirium tremens*, had complained of his head, had his head shaved, was blistered, was sleepless, used to jump out of bed, &c. On one of these occasions the man had a knife in his hand, which was taken from him, and he was put into bed.

All this was two years and a half ago, and Mr. Smith elicited, in cross-examining the witness, that the prisoner was in the hospital only for two months, and that the doctor had said it was *delirium tremens* when he was admitted, though afterwards another name was given to it.

This closed the evidence for the defence, and upon this

Mr. Barrow briefly urged that in the face of such evidence the prisoner ought not to be consigned to the scaffold, and that the safer course would be to acquit him on the score of insanity.

Mr. Lumley Smith, in reply on the part of the prosecution, observed that every one in such a case must entertain the hope that the defence of insanity should be sustained, for humanity naturally shuddered at the idea of such a horrible crime being committed. But what, after all, did the evidence for the defence come to? Merely to this, that the man two years ago had been in a state of mind, from depression, likely to lead to suicide. There was no evidence of a tendency to madness, and then all this was two years and more before the dreadful act.

The learned Judge then summed up the case to the jury. It was, he said, beyond a doubt that on the Sunday, after going to church and

eating his dinner, the prisoner went to his box and took out a razor, and went out and cut the child's throat. The defence was that at the time he did the act he was out of his mind, and did not know the nature of the act. They had had the history of the man for many years, and it appeared that he was a man of good character, and fond of children; that the desertion of his wife had preyed upon his mind; and that he fell into a state of depression, so that it was feared he would commit suicide. It was said that something had occurred in April to cause a feeling against the bombardier, but there was no evidence of it at all. It did not appear that he had ever expressed any such feeling. It did not appear that the confinement for two days had had any effect upon the man. Under such circumstances it was for the jury to consider whether it would be safe to convict the prisoner of murder. When such impulses came upon men, according to the medical evidence, they were unable to resist them. It would be safe in such a case to acquit the accused on the ground of insanity.

The jury, however, after a brief consideration, desired to retire to consider their verdict. They were absent from Court for more than half an hour. They then returned into Court with a verdict of *Guilty* of murder in an unsound state of mind.

The Officer of the Court—That is, you find him not guilty of murder, on the ground that at the time he committed the act he was in an unsound state of mind.

The jury said it was so.

The learned Judge said the result was that the prisoner must be confined during her Majesty's pleasure.

We may feel pretty sure that the illness for which the prisoner had been admitted into hospital in 1870 was not *delirium tremens*, but a genuine attack of acute insanity, and that the account which he himself gave of his mental state at the time of the homicide was correct. He was greatly depressed, "had a great deal preying on his mind," and "hardly knew what he was doing." "The bombardier, his wife, and family, never did me any harm that I am aware of;" still out of the melancholic depths the homicidal idea suddenly springs, and, like an unclean spirit entering into a man, drives him to his destructive work. After the mental convulsion is over, he trembles very much, returns to himself, and for the first time realises what a deed of horror he has done.