

indication of the extent, and possible toxic significance, of the bacterial putrefaction of proteids which normally occurs in the intestine.

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.]

THE TOWNSHEND CASE.

THIS was an inquisition held to determine the competence of the Marquis Townshend to manage himself and his affairs. It was held before Mr. Justice Bucknill and a jury, and lasted ten days. It attracted a great deal of notoriety in consequence of the introduction of various side issues into the case. The history of the case is long and complicated. The Marquis, now a man of thirty-nine years of age, had been estranged from his family, and had been living in the house, and much under the influence, of a clergyman named Robins. By the influence of a clerk in Somerset House named Dunne, and a woman of title, a Lady Fawcett, who bargained to receive commissions for their services, the Marquis was introduced to a Mr. Sutherst, who was at the same time a barrister and an undischarged bankrupt, but who lived in an expensive way and was believed to be a wealthy man. The object of the introduction was the marriage of Lord Townshend to Miss Sutherst, and after various negotiations, of which Lord Townshend was ignorant, the marriage duly took place. It was not long before differences arose in this strangely constituted family. The Marquis found that Mr. and Mrs. Sutherst assumed, as he thought, an undue authority in his household. They invited to his table persons to whom he objected, and, on his making his objections known, his mother-in-law slapped his face. There was another source of difference between the Marquis and the Marchioness of a graver character. The Marquis's position became so intolerable that he left the house and rejoined his old friend Mr. Robins, who lived at Brighton. From thence he was induced by the Suthersts to return to the house in London. Dr. Milne Bramwell was consulted, and subsequently Dr. Savage also. They

certified him to be of unsound mind, and on the order so made he was detained in the house in Brook Street under the care of the Marchioness. The Dowager Marchioness being informed of the state of affairs, made application to the Commissioners in Lunacy for her son's release, and the Commissioners authorised Dr. Robert Jones and Dr. Lister to visit the Marquis. They visited the Marquis and made a report, but no action appears to have resulted. Later the reception order was discharged, but the question of receivership of his estate, which had been raised, was referred by the Master in Lunacy to the Lords Justices, who ordered the trial of an inquisition. At this trial not only was the issue of the Marquis's competency tried, but charges and counter-charges against the *bonâ fides* of various persons concerned about the Marquis were made and rebutted, so that a great deal of evidence was taken which had nothing to do with the sanity of the Marquis Townshend. The positive evidence of insanity was very weak; Dr. Savage was cross-examined upon his certificate, and it appeared that what influenced him most in making his certificate was the Marquis's desire to leave the Marchioness and go back to Mr. Robins. As the Marchioness was a very attractive and beautiful woman and they had been but recently married, this appeared an extraordinary attitude of mind, but Dr. Savage admitted that when he saw the Marquis and made his certificate the full facts were probably not before him. He had heard since that there were grave differences between the Marquis and the Marchioness at that time which might reasonably account for a separation. Dr. Crawford deposed that in his opinion Lord Townshend suffered from delusional insanity, but the judge pointed out that counsel had not opened a case of delusional insanity, and nothing more was heard of this hypothesis. The two chief circumstances indicating insanity, beyond the influence which the Marquis allowed Mr. Robins to obtain over him, were two isolated instances. When he had left the Suthersts and rejoined Mr. Robins at Brighton, the Marquis had walked along the sea-shore for the greater part of one night meditating suicide by drowning. The other incident was an attack which he had made upon the male nurse who had attended upon him. This was regarded by Dr. Savage as of an epileptic nature. On the other hand, Dr. Robert Jones and Dr. Lister gave their positive evidence as to the sanity of the Marquis, but they both admitted that he was not

quite up to the normal standard of intelligence. Dr. Blandford was practically of the same opinion. Much evidence was given in the course of the ten days of the trial to show that the Marquis was easily influenced by other people, but no conclusive evidence was given that he was at the time of the trial insane in the ordinary sense of the word. In the event the jury found a special verdict, that he was of unsound mind so as to be unfit to manage his affairs but not so as to be unfit to manage himself.—*The Times*, July 25th and following days. Mr. Justice Bucknill.

This case attracted the attention of the whole country, from the social standing of the parties concerned; and, as already said, a great many side issues were introduced. Its medico-legal interest is, however, considerable. If Sub-section (d) of Section 116 of the Lunacy Act of 1890 had been somewhat differently worded, there would have been no need for this inquisition. The sub-section in question provides: "That the powers and provisions as to management and administration of the estates of lunatics apply to every person not detained as a lunatic and not found a lunatic by inquisition, in regard to whom it is proved to the satisfaction of the judge in lunacy that such person is, through mental infirmity arising from disease or age, incapable of managing his affairs." It was proposed by the legal advisers to the Marquis that proceedings should be taken under this section, but as I was consulted in the matter, I pointed out that the Marquis's mental infirmity did not arise from disease or age, but was congenital, and that therefore he was excluded from the benefit of the section. The point had been considered by the College of Physicians in their report to the Royal Commission on the Care and Control of the Feeble-minded, and in that report it was pointed out that a class of persons of unsound mind who are entitled to the benefits of the section are excluded from such benefits by the insertion of the words "arising from disease or age." The Marquis Townshend is a man of ordinary intelligence. He is quite capable of holding his own in general conversation. He is well read; he is well acquainted with the extremely complicated affairs of his own estate, and intellectually he is quite as competent to deal with them, with the assistance, of course, of the necessary expert advice, as any ordinary man. His weakness is what is termed in Scotch law "facility." That is

to say, without being weak of will in the ordinary sense, or of a vacillating temper, he is diffident about his own judgment, and he places himself unreservedly under the tutelage of any person in whom he has confidence; and such a person can obtain an almost unbounded dominion over him, so that he ceases to have a will of his own, and guides his conduct solely by what he thinks his adviser would desire. This being so, the proper person to exercise dominion over him is undoubtedly his wife. At the same time, a woman of two and twenty, however capable, is scarcely the proper person to have charge of the extremely complicated and embarrassed affairs of the Marquis Townshend, and the verdict of the jury provides that these shall be administered under the supervision of the Court, while the Marquis maintains his entire personal freedom. This is the best result that could have been arrived at. It is the result which, in consultation with the Marquis's legal advisers, I assured them was inevitable, and it is only to be regretted that it could not have been arrived at without such a lavish expenditure of money and such a wholesale washing of dirty linen. If the legislation had been in existence which was advised in the report already referred to of the College of Physicians to the Royal Commission on the Care and Control of the Feeble-minded, all this waste of money and all this *scandalum magnatum* might have been avoided. After the medical witnesses had been examined and cross-examined, there was no material difference between those for the petitioner and those for the defence. All admitted that the Marquis was not proof against the efforts of designing persons to obtain a mastery over his will and his conduct. If these opinions had been elicited in private by a consultation, as they could have been, the case might have been settled out of court by both sides agreeing to a verdict which was from the first inevitable.

For an account of the following case I am indebted to the kindness of Dr. Percy Smith.

REX *v.* LLYWARCH.

Rowland Llywarch, æt. 50, was indicted for the murder of John Evans and Mary Evans. Prisoner was a milk-dealer in Bermondsey and a native of Welshpool, where his brother lived. Prisoner arrived unexpectedly at his brother's house on

March 7th, 1906. On March 9th he was in a public-house from three o'clock until seven, drinking and talking. Here he said to a commercial traveller, "I suppose you call yourself a commercial traveller? I think you are a detective." He then went to the landlady and told her not to disclose his secrets to this man. At seven o'clock he left the house with the deceased John Evans and went home with him. At nine o'clock he, Evans, and Mrs. Evans were heard talking loudly, and again at twelve o'clock (midnight), by passers-by. On the following morning Evans and his wife were found in the house with their throats cut, dead. Prisoner was missing. Search was made, and prisoner was found hiding among bushes in the neighbourhood. As soon as he saw the police he took out a knife, began roaring, rushed at the policeman, and tried to stab him. When charged with the murder on March 13th prisoner replied, "Good God! I have never seen the man." When asked "How is your head to-day?" (he had been struck on the head at the time of his capture) he replied, "I remember tapping the bottle on the road." On the same day he was seen by Dr. J. A. Crump, formerly Assistant Medical Officer at Buxton Asylum, who found no sign of insanity in the prisoner. Dr. J. G. Piggott, surgeon to Shrewsbury gaol, proved that the prisoner had been under his close observation for eleven weeks. He had not seen any signs of delusion or anything suggesting insanity. The prisoner had said to him, however, that he had been followed by detectives during the time that he was in London, that he was prepared to blow the detectives up with dynamite, and that they followed him in London but not in the country. Dr. Rambaut, Medical Superintendent at Bicton Asylum, examined the prisoner on four different days, and came to the conclusion that the prisoner was sane, but was shamming insanity. He had a dull and stupid appearance, and hesitated before replying. He was indefinite in his replies and frequently qualified his remarks. The prisoner informed him that he remembered walking from the inn with John Evans, the deceased. Mr. Griffiths (counsel for the prisoner): It is a very dangerous line for an expert to take. The Judge: Much too dangerous. Cross-examined, the witness admitted that the prisoner made statements which, if genuine, would have led him to believe that the man was insane. He said that the police had ill-treated him in London by whistling after

him and shouting "Come and see the play," the title of the play being "Rowland's Dairy," that the Bishop of Southwark wrote the play. The police used to put their hands to their noses when they saw him, and had put the broad arrow and C 67 on his shop. The detectives had sent his photographs all about. He said that he heard voices talking to him sometimes and added: "They had better leave me alone or I will be the death of them. I have packets of dynamite. I will send them round instead of milk." The prisoner said that he saw spirits sometimes, that they changed sometimes, and depended upon what he was thinking about. Asked about a pair of scissors which he had concealed up his sleeve when first imprisoned, he said he would have used them to commit suicide. Asked why he would commit suicide, he said "Because there is no living here. They would kill me here." When asked simple questions of multiplication, prisoner answered sometimes right and sometimes wrong. He called a two-shilling piece a shilling and a halfpenny a penny. Dr. Rambaut came to the conclusion for several reasons that the prisoner was shamming insanity. His multiplication was sometimes right and sometimes wrong. The delusions were inconsistent. He made grimaces when looked at, but not when he thought he was unobserved. He appeared unable to answer important questions about the charge, while he was able to answer questions about other things. By the Judge: Supposing a man had delusions as to detectives following him, as to people threatening him, and that he had taken weapons to protect himself against these people for two years, witness would be ready, if satisfied with the honesty of those delusions, to certify that he was insane. It was possible for a man with those delusions to speak rationally on other subjects. It was a most difficult case. Mary Llywarch, prisoner's wife, said that he would point to people in the street continually and say they were employed by the police to watch him. At night he used to peep through the side of the blind and say he could see people watching the house. He asked her to give him revolvers and gunpowder to blow up the detectives. He said that people were going to have a big case against him and would take everything away from him, and that was why he wanted all the money out of the bank. He said the newspapers were taking him off. A great deal of "Table Talk" in the *Daily News* referred to him. Bills were

printed about him. There was a play in the Star Music Hall about him. He used to secrete razors under the lining of his clothes. When coming down to Wales he pointed out a man on the Euston platform and said, "That man is watching me." He used to go to Dr. Morgan Davies. He gave up going because, he said, "I have seen Dr. Morgan Davies write something down. He is going to make a report and have me put away." He told witness that he went to Wales to hide himself among the hills, where it would be difficult to find him. Several witnesses deposed to the prisoner telling them that he had been followed by detectives and that he complained of pains in his head. Dr. Percy Smith stated that he had examined the prisoner and it had never occurred to him for a moment that the prisoner was feigning. He had never heard of madness being feigned for two years continuously before the perpetration of a crime. He considered the prisoner was suffering from chronic delusional insanity. In summing up, the judge laid stress upon the fact that while Dr. Rambaut was of opinion that the prisoner was sane, he was not sure of this at the conclusion of his first test. Dr. Percy Smith, one of the most distinguished authorities on mental diseases, had no doubt whatever of the prisoner's insanity. There was also very strong evidence that prisoner had suffered from delusional insanity for a considerable time before the murder.—"Guilty but insane." On being sentenced the prisoner burst out: "It is a bloody lie. I am not guilty. Don't tell lies." He then had a violent struggle with the warders, in which the sides of the dock were broken down. He was at last carried off by the united efforts of six policemen.—Montgomery Assizes. Mr. Justice Sutton, June 1st. *The Montgomery Express*, June 5th, 1906.

It seems that Dr. Rambaut could not have been acquainted with the prisoner's history. He must have gone entirely on the result of his examination. It is a wise and praiseworthy precaution to go to such an examination prepared for all possibilities, and particularly to bear in mind the possibility of malingering. The general intelligence, in ordinary matters, of persons who suffer from chronic delusional insanity is not usually impaired; and when a person of middle age, who has been for years engaged in trade, is unable to recognise a florin and a halfpenny, and says that ten

times ten is 110, that twelve times twelve is 130, and so forth, it is not unnatural to conclude that these statements are deliberate attempts to deceive. But such evidence is of no importance at all when weighed against the history of the case. The man had suffered for years from delusions of being followed by detectives. He had repeatedly made preparations to avenge himself on his persecutors, and the whole history of his life for the past two years was such that no expert who was acquainted with it could doubt for a moment that the man was a paranoiac. If Dr. Rambaut had been acquainted with his history, as he would have been had he had the advantage of a consultation with Dr. Percy Smith, he would never have thought that the prisoner was malingering. So far as it goes, the case suggests the advantage of consultation between the experts for the prosecution and the experts for the defence. It will be noted that counsel for the prisoner remarked upon the danger of a medical expert questioning the prisoner with regard to the circumstances of the crime, saying it was a very dangerous line for any expert to take, and that in this opinion the judge agreed. It should always be borne in mind by a medical witness examining a prisoner accused of crime, that the prisoner is not to be tricked into any admission with reference to the crime or the circumstances leading to or following it. If the prisoner spontaneously makes reference to the crime, questions may be asked him to elucidate his statements, but he is not to be asked any question which may tend to elicit from him any confession of guilt.

Occasional Notes.

Anarchism and the Treatment of Criminal Anarchists.

The anarchist attempt to assassinate the King of Spain will probably lead to the reconsideration of the extradition laws in this country relating to this form of crime. There is certainly fair ground to demand that the status of criminals of this kind should be defined, and it is clearly a duty that our specialty, dealing, as it does, with all forms of aberrant mentalisation, should be prepared to express definite opinions on the subject.

Anarchism, in its fundamental idea, as advanced by Proudhon,