

capacity visited the sick room were persuaded to disinfect their throats and noses thrice daily. After the case was removed the throats and noses of all the forty sick-room patients, and any who had been assisting at meals, etc., were douched with Izal every alternate day for over a week. The whole of the clothing and furniture was burned, and the passages and room disinfected under the supervision of the sanitary authorities.

On reflecting upon some of the acutely delirious cases with high temperatures which I have seen in the past with typhoidal appearances but no other symptoms than the raised temperature and excitement, I wonder if any of these cases were undiagnosed mild cerebro-spinal cases admitted at times when the disease was not being heard of.

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### 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.]

#### NORTH-EASTERN CIRCUIT.

##### *The Otley Murder.*

AT Leeds, on Saturday, July 18th, before Mr. Justice Bigham, James Jefferson, 21, labourer, was indicted for the murder of Elizabeth Todd at Otley on May 5th, 1908. Mr. Bruce Williamson and Mr. C. F. Lowenthal prosecuted for the Director of Public Prosecutions; and Mr. A. J. Lawrie represented the prisoner by request of the learned Judge.

Dr. Edgerley, medical officer of the West Riding County Asylum, and Dr. Exley were called to show that the prisoner was unfit to plead. They said that he suffered from insane delusions which filled his mind and largely impaired his faculty of attention. In answer to the Judge they conceded that he was able to understand what he was charged with and the effect of the pleas guilty and not guilty. They said that his attention was certain to wander during the trial, owing to his pre-occupation with insane delusions. His attention at any time could only be fixed by constantly addressing questions directly to him. Mr. Justice

Bigham warned the jury against assuming that because a man had delusions he must be unfit to be tried. He would provide counsel to look after the prisoner's interests, and unless they thought that he could not understand the proceedings on his trial he ought to be tried. The jury found him fit to plead, and he was accordingly tried for the murder. He pleaded "Guilty" at first, but at the suggestion of the Judge he withdrew that plea and pleaded "Not guilty."

The facts were not in dispute, except upon the one issue as to the prisoner's state of mind. The murder was of an exceptionally horrible character. The prisoner, a young man of 21 years of age, left New-castle-on-Tyne on May 4th for Leeds, having just come out of prison, where he had been serving a sentence under three convictions for arson. On the following day he appears to have started to walk from Leeds to Otley. On the way he must have met the murdered woman, Mrs. Todd. She was 31 years of age, the wife of a shoemaker at Otley, and she was walking along the Otley road to visit her mother. She was seen a short distance from the scene of the murder about 4 o'clock. At about 4.25 p.m. a grocer at Otley named Hellewell was driving along the Otley road. He saw the prisoner bending over a naked body by the side of the road; he had a knife in his hand, and had just cut off the head. Hellewell asked the prisoner what he was doing. The prisoner looked up and went on hacking the body. Hellewell went off for help, and got two workmen to return with him. They went to where Hellewell had left the prisoner with the body; they could not see either for a moment, but found that he had got over the wall into the field and taken the body of his victim with him. At this time he was hacking at the arm of the dead woman, apparently trying to cut it off. The three men shouted at him to put down the knife; he made no reply, but on being threatened by one of the three men with a crow-bar he threw it down. Hellewell's two companions then got over the wall and seized him, and just before they did so he picked up the woman's umbrella, corsets, and hat. They made him get back over the wall on to the road, and he then said, "I can get 7s. 6d. for the umbrella, 2s. 6d. for the corsets, and 1s. for the hat." A policeman then came up and formally took the prisoner into his custody, and charged him with the murder. He replied, "I do not know what made me do it." The prisoner was then conveyed to Otley, and on the way he said to the policeman, "I gave my own brother away. We broke into a house and robbed a gas meter. I told the police of him, and he got locked up. I have written to him, but I do not think he has forgiven me yet." When he got to the police-station he further said, "I do not know the woman. I met her on the road; she turned back once and then came on again. I robbed her and cut her head off, and threw her over the wall."

For the defence it was contended that the prisoner was insane at the time he committed the crime, and three medical men were called in support of the contention, Dr. Edgerley, Dr. Exley, and Dr. Exley's assistant, Dr. Ellison. They said the prisoner suffered from insane delusions. He imagined that his brother and other relatives were conspiring together to murder him. He thought his brother was Charles Peace, and would murder him. He imagined that while he was in

Leeds Prison his brother looked through the window at him and threatened him, though in fact his brother was a convict in Portland Prison. He heard voices from time to time calling him "Thief" and other terms of abuse. He thought that the policeman who arrested him said as he took him to the station, "Let us kill him now, and he won't feel it." From these and a consideration of the circumstances of the murder the medical men gave it as their opinion that he was insane.

In answer to the learned Judge, they agreed that he knew he was killing the woman. But on the question whether he knew he was doing wrong their answers differed. Dr. Edgerley said he thought that the prisoner imagined that murdering the woman would be of some advantage to him, by ridding him of a persecutor, and that this delusion would probably be so strong in his mind that all idea of right and wrong would be excluded. Dr. Exley said:—"I think he knew he was doing wrong, but I think he had no idea how wrong."

Mr. Justice Bigham directed the jury as follows on the question of insanity:—"If the prisoner knew that he was doing wrong, it does not matter that he did not know how wrong. If he knew he was doing wrong, it does not matter that he suffered from delusions or hallucinations. A man commonly described as a lunatic may be as guilty of murder as any of you. You have to determine whether he knew he was doing wrong. It is for the prisoner to satisfy you by his evidence beyond all reasonable doubt.

A juror.—If there is any doubt, is he not entitled to the benefit of it?

Mr. Justice Bigham.—No; it is the other way on. He must satisfy you beyond all reasonable doubt that he did not know he was doing wrong.

The juror.—If he knew he was doing wrong, but was insane, how then?

Mr. Justice Bigham.—If he knew he was doing wrong it does not matter how insane he was, he is guilty.

The jury, after a retirement of an hour and a half, found the prisoner *Guilty*, and he was sentenced to death.—*Times*, July 20th, 1908.

It is not often nowadays that the formula of the knowledge of right and wrong is applied with such rigorous strictness of interpretation as it was by Mr. Justice Bigham in this case. The circumstances of the murder are alone enough to raise a strong presumption of insanity in the prisoner at the time of the crime, and it was not contested that he was insane at the time of the trial. Yet he was convicted and sentenced.

It is interesting to compare the criterion of responsibility in this case with the criterion of competence in the case of a testamentary disposition or a contract. Either of the latter is vitiated by the existence of a delusion *ad hoc*, that is to say a delusion of such a character as to influence the testator or contractor in the making of the will or the contract. Here

the evidence of Dr. Edgerley was that the prisoner in committing the murder was influenced by his delusion. It was a delusion *ad hoc*. Yet the prisoner was held responsible. The evidence of Dr. Exley was particularly interesting. He testified that the prisoner knew he was doing wrong, but had no idea how wrong. The judge brushed this consideration on one side, and said it did not matter that the prisoner did not know how wrong the act was. In thus ruling, he went counter to the opinion of his very eminent predecessor, Mr. Justice Stephen, who attached great importance to the existence of full knowledge on the part of the prisoner.

It is not for me to bandy arguments on points of law with a judge, but it is certain that very many prisoners have been found "guilty but insane" on much less cogent evidence of insanity than was adduced in this case; and it is something of a shock to us, accustomed as we now are to the liberal, and what seems to us the enlightened, interpretation given to the old formula by so many judges, to find that there is still a judge on the bench capable of interpreting it in its narrowest and most literal sense. There is, of course, not the slightest chance of the sentence of death being carried out, and the only difference that the verdict makes to the prisoner is that he has had the death sentence, which he probably did not appreciate, pronounced upon him, before being remitted to Broadmoor, instead of being sent there without this preliminary. The sentencing of acknowledged lunatics to death is becoming less and less frequent as time goes on, and such a case as this will be regarded in a few more years in the same light as the public now regards the sentencing to death of children for stealing property of the value of forty shillings.

The true moral to be drawn from the case is the unsatisfactoriness of the arrangement by which a judge is taken from a Commercial Court, in which he has gained distinction, to try criminal cases of which he has had no experience. As long as this is done miscarriages of justice will occur.

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*Rex v. James Jefferson* (Appeal allowed).

This was an appeal against a conviction for murder. The prisoner was tried at Leeds Assizes for the murder of a woman in circumstances