

Anderson, giving evidence, repeated in substance what he had stated to the police, maintaining that he had no recollection of what happened after the deceased girl had spoken to him about the other girl. "A blankness seemed to come over him." He had taken off his shoes, jacket and waistcoat when he found himself in the sea.

Anderson's mother stated that her sister had died in an epileptic fit. Anderson was the youngest of eleven children. He had lately "been very queer about the eyes; they were glassy, and dark and staring". (Vague assertions of this kind are not infrequent in such cases.)

The Lord Chief Justice summed up strictly on the lines of the McNaghton criteria. He laid stress upon the legal assumption that every man is presumed to be sane until the contrary is proved. The onus of establishing insanity lay with the defence. One or other of the two propositions in the McNaghton criteria must be "clearly proved". The learned judge called attention to the fact that, after recovery from the alleged blank period, the accused man made no inquiry after the deceased girl, although everyone else supposed that the couple were on most friendly terms.

The jury returned a verdict of "Guilty", and sentence of death was passed.

The case is of interest and importance. It is, of course, not disputed that epileptic conditions exist, in which crimes of violence may be committed, with subsequent amnesia. But such a defence must be treated with the utmost caution, unless there is evidence, independent of the crime, for believing that the accused person does, in fact, suffer from epilepsy. Otherwise, such a defence might be set up in any crime; and such a defence has been rather frequently, and perhaps too frequently, raised during the past few years.

M. HAMBLIN SMITH.

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REX *v.* JAMES ROBERT VENT.

THE accused in this case was charged with the murder of a woman named Clementina Balchin. When arrested, he made a statement to the police, in which he gave a full account of the crime and ascribed it to jealousy. When arraigned at the Central Criminal Court, before Mr. Justice Talbot, he pleaded "Guilty". Evidence was given by Dr. H. A. Grierson, senior medical officer of Brixton Prison, that Vent was sane and fit to plead. The plea was accepted, and sentence of death was passed.

A plea of "Guilty" in a murder case, although not unprecedented, is not usual. The subsequent proceedings were still more curious. Vent applied for leave to appeal against his conviction, and this application came before the Court of Criminal Appeal on March 4, 1935. The grounds of appeal had been settled by Vent without legal assistance. In them he stated that his reason for committing the crime was that he was out of work and miserable,

that he had been drinking, and that the woman kept "throwing in his face" something about another man. It was urged, on his behalf, that a jury should have been empanelled to try the issue of his fitness to plead. The Court refused the application for leave to appeal. The presiding judge, Mr. Justice Avory, said that the course taken at the trial was the only one which could have been adopted under the circumstances. It was only when some doubt existed whether an accused person had appreciated the nature of his plea, or the consequences resulting therefrom, that a jury should be empanelled to try the issue of fitness to plead. In this instance no such doubt had existed. Mr. Justice Avory pointed out, however, that it still remained possible for the Home Secretary to take such steps, in the direction of further consideration of Vent's mental condition, as might appear to be indicated.

Eventually a medical inquiry was ordered to be held under Section 2 of the Criminal Lunatics Act, 1884. The medical practitioners who conducted this inquiry certified Vent to be insane, and he has been removed to Broadmoor Criminal Lunatic Asylum.

M. HAMBLIN SMITH.

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REX *v.* LEONARD ALBERT BRIGSTOCK.

THIS case was tried at Maidstone Assizes on February 19, 1935, before the Lord Chief Justice.

The accused, æt. 33, was a stoker petty officer in the Royal Navy. He was charged with the murder of Chief Petty Officer Deggan by cutting his throat with a razor on board a ship in Chatham Dockyard, on January 6. It was alleged that Brigstock had a grievance against Deggan, because the latter had brought some accusation of a breach of naval discipline against Brigstock. The accused man was stated to have said to another petty officer, "I have cut the C.P.O.'s throat". He had a razor in his hand at the time. Later, when charged with the crime, he said, "I did not know what I was doing. I did not do it maliciously, not so far as I know".

The facts of the case do not seem to have been disputed, and the defence was that of "insanity". The prisoner's wife related a dream of which her husband had told her, in which he had seen a huge black man, the "devil's mate", who was molesting her. Two of the prisoner's brothers gave evidence of singular conduct on his part; the details of this conduct were not reported. No medical evidence appears to have been called for the defence—a somewhat significant omission. On the other hand, Dr. H. A. Grierson, senior medical officer of Brixton Prison, stated that he had kept Brigstock under observation, and had found no signs of mental disorder. He could find no evidence that Brigstock was insane at the time of the crime.

The jury returned a verdict of "Guilty", and Brigstock was sentenced to death.

M. HAMBLIN SMITH.