

## 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.]

*Reg. v. Holden.*

Joseph Holden, 57, iron-turner, was indicted for the murder of his grandson, John Davies. Prisoner, when called on to plead, said that he was guilty. The judge asked him if he knew to what he had pleaded guilty, and he said "Yes, killing that boy." The judge then asked if there were medical men present who could give evidence as to the prisoner's mental condition. Mr. Edwards, surgeon to the jail, was of opinion that the prisoner was sane. Mr. Smith, deputy surgeon, was of the same opinion. Dr. Ley, of Prestwich, said that the prisoner was a man of poor physique and prematurely aged, and showed marked signs of mental and physical degeneration. He considered him to be a man of unsound mind. He was suffering from brain disease of a progressive character, which would sooner or later end in complete dementia; but witness thought that he was quite capable of understanding what he was charged with. The jury found the prisoner fit to plead. He was then arraigned afresh, and again pleaded guilty. The judge said there remained only one thing for him to do. If the prisoner was not in such a condition of mind that the Crown would execute the due penalty for the crime to which the prisoner had confessed, and of which no one could doubt him to be guilty, then it would deal with him in its mercy.—Manchester Autumn Assizes, Mr. Justice Darling.—*Manchester Guardian*, November 14th.

Judges are usually, and not unnaturally, astounded when the prisoner pleads guilty, but it is to be supposed that there was something in the demeanour of the prisoner beyond the mere fact of his plea to induce the judge to order the trial of his competency to plead.

*The Guardians of St. Saviour's Union v. Burbidge.*

This was a case stated by Mr. Hopkins, a metropolitan police magistrate. Burbidge had been maintained by the Guardians during an attack of delirium tremens, and the Guardians prosecuted him under the Vagrants Act for that, being able—wholly able by work—to maintain himself, he wilfully neglected and refused so to do, by which he became chargeable to the Union. The magistrate refused to convict, and the Guardians appealed.—Mr. Justice Kennedy said that the magistrate was quite right. Burbidge at the time he was taken to the infirmary was very ill. He was a subject of danger to himself and those about him; he was, in fact, diseased and incapable of maintaining himself. He had become so by his own act, it was contended; but it was impossible to suppose that the Act intended to punish people who, by a voluntary act, had brought on disease. The question for the magistrate was, Could the man be convicted of wilfully refusing or neglecting to maintain himself? He would have been quite wrong if he had convicted a man of that offence because he was suffering from a disease, however that disease might have been caused.

*Dowling v. Dods.*

The trial of this case was reported in the last number of the JOURNAL. On November 6th it came before the Court of Appeal, on application by the defendant for judgment or a new trial. It was contended on behalf of the defendant that the verdict was against the weight of evidence, and that there was no evidence of malice.—The Court allowed the appeal.

The Master of the Rolls said that the alleged libel might be summed up in this that it imputed insanity to the plaintiff. The jury found that some of the statements were true, and some were untrue. At the end of the plaintiff's case Mr. Justice Darling held that the occasion was privileged, and in his (the Master of the Rolls) opinion the learned Judge was quite right in so holding. It was a letter written by the defendant, with the knowledge which he had, to the relieving officer, informing the latter that the plaintiff was not a fit person to dispense medicine in his district. It was not a certificate under the Lunacy Act. It was

clear that the occasion was privileged. It was plain from the evidence that the plaintiff's mind was unhinged. The jury had found part of the letter to be true, and part to be false. If it were necessary to consider the case from that point of view, he would say that he did not agree with that finding, and would send the case down for a new trial. But it was not necessary to consider that question. The occasion being privileged, the onus was cast upon the plaintiff of proving that the defendant, at the time he wrote the letter, acted from an improper motive, a sinister motive, some motive which was not an honest motive. The onus of proving that issue was cast upon the plaintiff, and unless the plaintiff could give some tangible evidence of spite or other improper motive, judgment must be entered for the defendant. Mr. Justice Darling, though he had doubts upon the matter, allowed the case to go to the jury, who found that the defendant did not act from an honest motive in writing the letter, but had some malice towards the plaintiff. Where was there any evidence of malice? In his opinion upon the evidence there was no evidence of express malice. Judgment must therefore be entered for the defendant with costs, here and below.

Lord Justice Collins concurred. It would be nothing short of a scandal if they were obliged to submit the issues in this case to another jury. In his opinion, if it were necessary to decide the question, there was no evidence at all upon which the jury could fairly find that the justification was not true. The evidence seemed to him to be all one way. However, that was not a matter that it was necessary for the Court to consider. There was the other point upon which he agreed with the view expressed by the Master of the Rolls. When the judge has once ruled that the occasion was privileged, the onus was cast upon the plaintiff of proving express malice in the defendant. In his opinion there was no evidence of express malice.

Lord Justice Stirling agreed that there was no evidence of malice on the part of the defendant.

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The following account is inserted here as a very unusual instance of the verbatim report of the ravings of a madman. We occasionally see in novels, and not infrequently in old plays, incoherent stuff which purports to be the raving of a maniac, but there is always an air of artificiality about it. It never convinces us that a maniac ever did rave like that, and those who are familiar with the genuine ravings of actual lunatics are seldom or never able subsequently to reproduce these ravings, or to give an account of what they are like. A verbatim report of an actual utterance is therefore of considerable interest, and as such is reproduced here.

#### ACTOR'S STRANGE DELUSIONS.

George R— æt. 34, an actor, was charged on remand yesterday at Bow-street Police Court with being drunk and disorderly. When brought before the magistrate last week, he appeared greatly excited, and made a long, incoherent statement. Mr. Marsham remanded him, because he did not think he should be allowed to wander about the streets in such a state, and last Saturday, when he should have been again brought up, the medical officer at Holloway reported that he was in too excited a state to be brought before the court. He was now brought in wearing a strait-waistcoat decorated with the broad arrow, and at once turned to the magistrate, and said, "Will you try me? What is your position here?"

Mr. Marsham: Have you anything to say to me?

Prisoner: Certainly. I have got millions of money, and am going to Windsor. I went to Heaven yesterday, and it was very dark. My mother and dead relations welcomed me, and I went out with them. The Lord said to me, "You are the Holy Ghost, the Trinity is now complete." I was born every evening, and came here on the third. They said I was mad, but I was not. All the money I got I gave to the Lord, and had not a penny left. I was with some of the finest men, you know. I shall have France and Russia as well, and there will be one God from north to south. We call this the Green Island and the Green Moon, and England will be called the Rose Moon. There will be ever so many more moons, and that is the explanation of all these little stars. I want a few millions,

and I will make a million—ten millions—to-day. But I cannot move without the consent of the Queen to marry me. Every man will have as many wives as he likes. The Lord told me the reason; and there will be no doctors. I shall have a thousand of the most beautiful women, and if a man takes a fancy to any of them he will have to pay me what I like, and all the money will go to the benefit of our glorious Empire. You should have seen how pleased my mother was. The Lord said to me, "You will see the Silver Moon." Everything was silver and gold and diamonds, and everyone was happy. Every morning at half-past five all the little children were examined by God. I can read a man's character well. I can read yours. You are a very honourable gentleman; I know almost every incident in your life. I am just going to Windsor now. Will you gentlemen (addressing some gentlemen in court) have a Silver Moon luncheon with me. Charlie, old fellow, here is £5000 for you. George, I will make a Cabinet Minister of you. I have been honourable to my foster-sister. Go and get yourself dressed. Go to the Army and Navy Stores, and get yourself £1000 worth of clothes. This man (pointing to another person) is one of the best fishmongers in London.

Mr. Marsham: Yes. You may go now.

Prisoner: Good-bye and God bless you. I cannot move my arms until I have seen my Queen.

After R— had left the court, Mr. E. B. Norman, stage manager at Daly's Theatre, informed the magistrate that R— had been in Mr. George Edwardes's employ for about sixteen months. He had been on tour, but came up to town to get a divorce from his wife, and it had unsettled his mind, as he was generally a very sober, steady man. If he got better Mr. Edwardes would be glad to find him employment again.

Mr. Marsham said that he was glad to hear this. In the meantime the man would be sent to the workhouse to be dealt with as a lunatic.

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#### ASYLUM NEWS.

##### ABERDEEN DISTRICT ASYLUM.

Tenders have now been invited for the new asylum to be erected by the Aberdeen City District Lunacy Board at Kingston, Newmachar, at a probable cost of £100,000. The site is convenient to the railway, and slopes to the south in front of a well-wooded rising ground. The asylum is designed on the model of Alt Scherbitz, and there will be in all twenty-seven separate buildings occupying a site of about thirty acres. The rest of the estate will be utilised for farm, garden, and recreation ground. The buildings are arranged in three sections—medical, industrial, and general. In the medical section there are eight separate buildings, as follows:—(1) An hospital divided into separate wings for physically sick, infirm, and recent acute mental cases; (2) an isolation ward for suspected cases of infectious diseases; (3) two observation villas; (4) two closed asylums; and (5) two convalescent hospitals. The industrial section consists of six villas—three for males, and three for females—accommodating from thirty to forty persons in each. Villa No. 1 is intended for workers who are untrustworthy owing to restless habits, delusions, or want of intelligence. Villa No. 2 is for patients able to work, who require somewhat less day supervision than the former class. Villa No. 3 is for working patients requiring a minimum of day supervision and no night supervision.

The general section consists of twelve separate buildings, viz. administrative offices and Board room, kitchen and stores, laundry, boiler house, workshops, houses for nurses and female servants, medical superintendent's residence, steward's house, lodges for gardener and engineer, cottages for married attendants, greenhouses, recreation hall, and mortuary. Accommodation is provided for 550 persons, and it is proposed that future extension should be met by the erection of extra villas from time to time as required. In view of this, the central buildings have been made large enough to suit an asylum of 700 patients.

The steam supply is to be sufficient, not only for driving the machinery of the laundry and workshops and for the production of electricity, but also for steam heating, hot water supply, cooking, etc. The outlying villas are to be served by