

## 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