

Southern Counties Asylum Case Book vol. 14 Enclosures

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James Douglas
p. 295
SCA vol. 14

S. L. A.

15 April 1882

Saturday

Dear Wife,

I write you a letter
to say that I am sorry for the reception
I gave you. My time being expired some
time ago I have to be put out of the
Asylum and I will require some
money to come home with. Please
send me a pound or so immediately
~~as~~ by return of Post to take me to
Edinburgh. I must leave and I
will not trouble you much when
I arrive. Don't delay peggie
dear for I know not what
to do so determined are they
that I must leave — you

do this for me my dear
wife without a moments
delay. My writing is very
scraggly & not intelligible
but I have not a moment
to spare. Address to me
here. With kind love and
hoping for the best.

I remain your loving
& afflicted husband -

J Douglas

P.S.

Do not disappoint me
piggie dear. I am far
from well but it is
my only resource. I hope
you wont delay in
doing this I have no
other alternative than to

trudge along or I will
be put to great pain.

This is not like the letters
I use to write dear but
I am in greatest fear
& distress and if ever
you acted with energy
please display it now -
perhaps you could come
by first train or telegraph
immediately what you will do.

I have no time to say more
at present but when I
see you I shall give you
full details. Excuse this
scribble for I am in great
anxiety as to when post
leaves. But the fact is I must
go whether I will or not -
F Douglass

DGH/5/21/2/14a

Mrs Douglas,
1 Balfour St-
Edin⁷

①
... was charged with theft by housebreaking, in so far as, on 7th July, he broke into the house at Kellwoodburn Cottages, Carlaverock, occupied by John Boyd and Annie Boyd, servants with James Boyd, farmer, Bailieknowe, and stole therefrom a tweed jacket, a pair of trousers, a pair of boots, and several other articles, the crime being aggravated by previous conviction. Accused pled guilty.

Lord A'lam said the charge against accused was aggravated by the circumstance that there were two previous convictions for theft against him. He had already had a sentence of penal servitude for seven years pronounced upon him in 1878; so he could hardly have been at liberty again before he returned to those evil courses. In these circumstances the smallest sentence the Court could pronounce on him was one of penal servitude again, for five years.

CULPABLE HOMICIDE—THE ASYLUM CASE.

John Watson, lately an attendant in the Southern Counties' Lunatic Asylum, Dumfries, and now or lately residing at Keltobank, in the parish of Dumfries, was charged with culpable homicide, in so far as Hugh Hale, now deceased, having been an inmate of said Asylum, and having, on or about 5th May last, escaped therefrom, and accused having been sent along with James Middleton, another attendant (who subsequently committed suicide), in pursuit of the said Hugh Hale, and having received the said Hugh Hale into their custody from the hands of Constable Glenachan, Glencaple, the accused did, by himself, or acting in concert with the said James Middleton, on the 5th or 6th day of May, on or near the public road from Glencaple, by way of Kelton, to the town of Dumfries, and at different parts of said road between Glencaple and the entrance to Brownhill farm house, and particularly (first) at a part of said road 150 yards or thereby in a northerly direction from Nith View House, occupied by Thomas Haining, retired farmer; (second) at a part of said road 30 yards or thereby in a southerly direction from the house at Conketh Cottages, occupied by John McMin, labourer; and (third) at a part of said road 200 yards or thereby in a northerly direction from the lodge gate at the entrance to Netherwood Park—wickedly and feloniously attack and assault the said Hugh Hale, and did, by himself, or acting in concert as aforesaid, seize hold of him by the throat or other parts of his person, and throw him violently down on the ground, and did jump upon him, and did kneel upon him and violently compress his ribs, and did repeatedly kick him, and did strike him one or more severe blows with his fist or fists, and did otherwise maltreat and abuse him, by all which, or part thereof, three or thereby of his ribs on his left side were fractured, and his left lung, his liver, and his spleen were ruptured, in consequence of which internal hemorrhage ensued, and the said Hugh Hale died on or about the 6th day of May, in the said asylum, and was thus culpably bereaved of life by accused.

Accused, who had been out on bail, pled not guilty. He was defended by Mr Jameson, instructed by Mr Gair, Dumfries.

The following jury were empanelled for the trial of the case: Gilbert Tweedie, merchant, Annan; John Bell, farmer, Minica, Middlebie; R. Blacklock, farmer, Hightae, Kelton; John McCarty, farmer, Port Mary, Berwick; Wm. Paterson, farmer, Sorbie, Ewes; Henry Beattie, farmer, Hazelberry, Tundergarth; T. McKinnon, slater, Lockerbie; James McRobert, innkeeper, Wigtown; John Murphy, farmer, Netherfield, Newabbey; Wm. Little, farmer, Corriehills, Hutcheon and Corrie; Wm. Stoyan, farmer, Culcairn, Twynholm; R. McMurtrie, Mid Terras, Glenluce; Henry Hyslop, farmer, Foulis, Dornock; Andrew Slater, farmer, Hightae, Kelton; Walter Wood, farmer, Annanhill, Applegarth.

Lord Young took the leading part in this case, and was proceeding to state to the jury, in brief form, the nature of the charge, when

Alexander Heron, farmer, Low Shinniness, Glenluce, interrupted with the exclamatory remark: My lord, I must have a few words. I got a summons to attend here, and my name was never called.

Three policemen promptly ejected the interrupter, who appeared to be a good deal excited

... and gave no reason therefor thinking so; but in the house he said Watson had once kicked him, and that he still felt the effects of the kicking. He said he had been kicked about the back. He said if it had been the attendants instead of me he would have made into the water. About an hour after, Middleton and Watson came to my house and took charge of Hale. They went out to arrange about a conveyance they had. They wanted to lock him in a cell till they came back; but I would not allow them. The man was quiet enough, and I said I would look after him till they returned. He was very grateful for this consideration, and offered me a pencil case. About ten o'clock we left the village, and proceeded towards the Asylum. Hale was then quite well and fresh like. He did not get into a state of excitement when the keepers came, or at any time while he was in my charge. I left them at the end of the village, and returned home. When I was about the shop of John D. Little, about 80 yards from Nith View House, I heard a shout behind me. I did not return. I thought the cry proceeded from Hale, and that he might be resisting the keepers. It was just like a bawl. I did not hear it repeated.

Thomas Haining, retired farmer, Nith View House, Glencaple: About ten at night I was in bed and my daughter called on me to rise. She said there were some men abusing a man up the road, and she thought it would be a patient from the Asylum that we had seen pass down the road in the afternoon. I asked if the constable was there, and she said yes. She was afraid they were using the batons on the man. I said there was no fear of that if Glenachan was there.

Lord Young remarked that this was not evidence, and the examination was not proceeded with.

Janet Ritchie Paterson Haining, daughter of last witness: About five o'clock on the afternoon of 5th May I saw a patient from the Asylum pass our house, going towards Carlaverock, and we heard that two keepers were in search of him. Between nine and ten o'clock the same night I saw the escaped patient and two or three other men past our house, going towards Dumfries. I did not see who the men were, but I thought I recognised Constable Glenachan's voice. I remained at the door perhaps about five minutes. They had gone on in the meantime towards Dumfries, perhaps 150 yards. I heard a loud, hoarse scream, which I thought came from the escaped patient. I heard two or three more screams, but feebler. It occurred to me that they were muffled screams. It appeared as if the man was being choked. The first scream was the only one I could call a shout. I kept my eyes still on them. I saw three figures in the distance. I thought I saw four before, but now there were only three. The middle one seemed to be struggling to get away. I could not see clearly, but I heard two heavy blows. These were after the screams of which I spoke. I went in and told my father generally what I had seen. I said I thought Glenachan was using his baton to the man. My sister Margaret was not at the door. She was in the house.

Cross-examined: I was at too great a distance to hear any conversation. It would be about 150 yards from the house that the struggle took place. The blows I heard were like blows from a baton. The struggle occupied about five minutes. When I had told my father, I returned to the door and saw the three men go along the road together. I went in then, and heard no more.

By Lord Young: When the men passed our door I heard Constable Glenachan's cough. I knew it to be his. I did not hear any other noise, except the tread of feet. I went to the door to see what it was. I then saw the Asylum patient whom I had seen in the morning, and two men at least with him. I cannot say for more than two. I cannot say the constable was there at all.—Lord Young: But if his cough was there, he must have been.—Witness: I heard his cough before they came forward, but he may have turned before I came out. They were about fifty yards past when I got to the door. The constable's house is further into the village than ours, and he might have gone back to his own house. I imagined when I heard the blows that it might be the constable with his baton, but I had no reason for thinking he was there at all.

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Three policemen promptly ejected the interrupter, who appeared to be a good deal excited, and offered some resistance.

Lord Young then intimated to the gentlemen who had been summoned as jurymen, but had not been ballotted for this case, that they were at liberty to return home, as there were no others for trial.

James Milligan, fisherman, Glencaple, Carlaverock, examined by the Advocate-Depute, deposed: On Monday, the 5th May, about five in the afternoon, I saw a man dressed like an asylum patient go through Glencaple in the direction of Carlaverock Castle. Afterwards I met two men—of whom prisoner was one—who inquired for an escaped lunatic. I described the man I had seen, and put them on his track. His name, I learned, was Hale. I saw Hale again in the village about seven o'clock. I gave information to Clenahan, the police-officer at Glencaple. We went together after Hale, and Clenahan apprehended him about half a mile below the village. He shewed no symptoms of fatigue or abuse. He went quite quietly with us to Clenahan's house, which we entered, and where we sat until the keepers came for Hale, about an hour and a half afterwards. —Did he say anything about what he would have done if the keepers had arrested him? Yes; he said if it had been the keepers instead of us he would have gone into the water. —Did he say what he was afraid of? Yes; of the keepers. —Did he say of what? Not then. —Did he explain a little later? Yes. —What did he say? Come, let us know. Witness (after a pause): He said they would murder him. —Did he say that either of the keepers had done anything to him before? He said one of them had abused him. —In what way? Kicked him. —When? He did not say.

By Lord Young: Was he speaking of keepers in general or of particular keepers? He was speaking of Middleton especially. —What did he say about him? He said he was afraid to go back with him. —Was that before or after the keepers came to Clenahan's? Before. —Did he say anything else about Middleton? No. —Did he say anything about Watson? He did not name him so far as I can remember. —How did he come to speak of Middleton? We told him the keepers were in search of him.

Examination continued: Did he mention that one of the keepers had kicked him a few days before? I cannot remember. —Did he not speak

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about the keepers? He mentioned Watson and Middleton.

Lord Young: I thought you said he did not name Watson? Witness: So far as I remember, not for kicking.—What did he say about Watson? I cannot remember.

Examination continued: Did he say that Watson had abused him in the Asylum? I cannot remember.—What did he say? Try to remember. Was it he or you who mentioned Watson first? I did not know them. He named them both. In about an hour and a half after we came into Glenahan's the keepers came. They then went to settle about a conveyance which they had had. Middleton proposed to lock up Hale, but that was not done, as Glenahan took charge of him. When they returned—a little after nine—they took Hale away, and he went quite easily.

Cross-examined: When Hale said he would have gone into the water had the keepers arrested him he referred to the Nith, which at that part is quite unfenced. When he expressed his terror of the keepers it seemed in regard to what might be done at the institution. He seemed quite cool when he spoke. When I last saw him the two keepers were holding him by each arm and Glenahan was with them. The keepers were apparently quite cool and sober too.

Re-examined: After they had gone out about the conveyance Hale told us the little keeper was Middleton and the tall one Watson. He offered us some small pencil in gratitude for our attention.

By the Court: Hale had been a journeyman plasterer. I had not known him before. He was quiet and peaceable.—Did he tell you why he had run away from the Asylum? I can't remember.—Did he tell you about having been ill-used there? He spoke about that.—Did he become violent at any time when you saw him? No.—Did he say anything to either Middleton or Watson when they came? I can't remember.

Alexander Glenahan, police-constable, Glencaple: Milligan and I went down the road to seek Hale. We came up to him about half-a-mile below the village. He told us his name, that he was a plasterer, and that he was going to Carlisle to seek work. We told him he had left the Asylum, and must go back. He said he would not do so, but was going to follow his employment. We persuaded him, however, to come back; and he did so quite quietly. I saw no marks of violence or fatigue upon him. We sat in my house for about an hour before the keepers came. When we were on the road, Hale said if he went back to the Asylum I must go along with him, or the keepers would murder him. He gave no reason then for thinking so; but in the house he said Watson had once kicked him, and that he still felt the effects of the kicking. He said he had been kicked about the back. He said if it had been the attendants instead of me he would have made into the water. About an hour after, Middleton and Watson came to my house and took charge of Hale. They went out to arrange about a conveyance they had. They wanted to lock him in a cell till they came back; but I would not allow them. The man was quiet enough, and I said I would look after him till they returned. He was very grateful for this consideration, and offered me a pencil case. About ten o'clock we left the village, and proceeded towards the Asylum. Hale was then quite well and fresh like. He did not get into a state of excitement when the keepers came, or at any time while he was in my charge. I left them at the end of the village, and returned home. When I was about the shop of John D. Little, about 80 yards from Nith View House, I heard a shout behind me. I did not return. I thought the cry proceeded from Hale, and that he might be resisting the keepers. It was just like a bawl. I did not hear it repeated.

Thomas Haining, retired farmer, Nith View House, Glencaple: About ten at night I was in bed and my daughter called on me to rise. She said there were some men abusing a man up the road, and she thought it would be a patient from the Asylum that we had seen near the bridge.

left us about the end of the village. Hale went with us willingly for a short time. During that time Middleton was speaking to Hale in a chaffing way, and said he would not get the chance to escape again, as he would look well after him. This seemed to rouse Hale, and he tripped Middleton, causing him to fall. He sprang up, and called upon me to assist in putting Hale down on the ground. I did so, but it was chiefly Middleton who struggled with Hale, who was a very powerful man. After he was down Middleton gave him two or three kicks. I did not either strike or kick him, or kneel upon his body. This was between Glencaple and Conheath Cottages. The kicks were given on the ribs or side. Hale called out loudly several times, "Murder!" whereupon I called out to Middleton to stop, and asked if he was going to kill the man. Middleton told him to rise, which he did, and said "Gentlemen, I will go quietly now." We each held him by an arm, and proceeded as far as Kelton public-house, where we had some refreshment. After leaving there, Hale walked quite quietly, but we still kept a hold of him. When about Kelton Mains, Middleton fell behind a little, and Hale asked my leave to sit down by the side of the road, as he was tired. I let him do so until Middleton came up. He did not complain at that time of any pain. We then went on till opposite to Netherwood House, when Hale suddenly fell to the ground. Middleton proposed to let him lie for a while until we had a smoke, which we proceeded to take. It was while we were waiting there that two gentlemen passed, and inquired what was the matter, asking if it was a drunk man. Middleton said it was a drunk man from the cottages near bye. I then said that he was not drunk, but did not care about walking. Hale then roused himself and said he came from the Asylum, and said something about us having ill-used him. The gentlemen passed on, and I do not remember of their offering to assist us to take Hale home. We then lifted Hale and led him on as far as Brown-hall Loaning, where he collapsed, and seemed unable to go further. I said to Middleton that I thought he was ill or had been hurt, but he thought he was shamming for the purpose of giving us the trouble of carrying him. Middleton then sent me to fetch the night attendant, Costeur, and a patient Halliday, who was sitting up with him. After they came, a wheel-barrow was got, and Hale was wheeled up to the Asylum. Any violence that was used to Hale was used before we came to Kelton public-house, and it was used by Middleton, not by me. I did nothing to him, except to hold him and lay him down the first time. If there were marks on Hale's neck, I can only account for them by Middleton having held him with one hand by the cravat around his neck.—Interrogated: Do you think it could have been done by the edge of the wheel-barrow chafing his neck?—Declared: It is possible, as he was laid across the barrow.

John M'Minn, labourer, Conheath Cottages, half a mile from Glencaple: About ten o'clock, when in my house on the night of the 5th, I heard cries a short way off. My wife, Mrs Thomson, who was with us, and myself, went out and saw three men on the road walking towards us in the direction of Dumfries. One of them, in moleskin, was walking between the others, with his head down. As they passed, the man in the middle said, "O murder! O dear me!" One of the men said, in answer to that, "Hold your tongue, or into the water you go over the head." I could not tell which of the men it was who said that. I think it was the man next us, and he was the tallest but I am not sure.

Cross-examined: Did Hale make those exclamations in a loud tone as if in pain? Yes.—You saw no struggle? No.

Isabella Ewart or M'Minn, wife of last witness, corroborated her husband. The man in the middle seemed to be in pain, and exclaimed, "O murder! O dear!" The man on the right side told him to hold his peace, or he would put him in the water

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Lord Young remarked that this was not evidence, and the examination was not proceeded with.

Janet Ritchie Paterson Haining, daughter of last witness: About five o'clock on the afternoon of 5th May I saw a patient from the Asylum pass our house, going towards Carlaverock, and we heard that two keepers were in search of him. Between nine and ten o'clock the same night I saw the escaped patient and two or three other men past our house, going towards Dumfries. I did not see who the men were, but I thought I recognised Constable Glenahan's voice. I remained at the door perhaps about five minutes. They had gone on in the meantime towards Dumfries, perhaps 150 yards. I heard a loud, hoarse scream, which I thought came from the escaped patient. I heard two or three more screams, but feebler. It occurred to me that they were muffled screams. It appeared as if the man was being choked. The first scream was the only one I could call a shout. I kept my eyes still on them. I saw three figures in the distance. I thought I saw four before, but now there were only three. The middle one seemed to be struggling to get away. I could not see clearly, but I heard two heavy blows. These were after the screams of which I spoke. I went in and told my father generally what I had seen. I said I thought Glenahan was using his baton to the man. My sister Margaret was not at the door. She was in the house.

Cross-examined: I was at too great a distance to hear any conversation. It would be about 150 yards from the house that the struggle took place. The blows I heard were like blows from a baton. The struggle occupied about five minutes. When I had told my father, I returned to the door and saw the three men go along the road together. I went in then, and heard no more.

By Lord Young: When the men passed our door I heard Constable Glenahan's cough. I knew it to be his. I did not hear any other noise, except the tread of feet. I went to the door to see what it was. I then saw the Asylum patient whom I had seen in the morning, and two men at least with him. I cannot say for more than two. I cannot say the constable was there at all.—Lord Young: But if his cough was there, he must have been.—Witness: I heard his cough before they came forward, but he may have turned before I came out. They were about fifty yards past when I got to the door. The constable's house is further into the village than ours, and he might have gone back to his own house. I imagined when I heard the blows that it might be the constable with his baton, but I had no reason for thinking he was there at all.

Margaret Paterson Haining, a sister of last witness, was next called; but before she was put in the box.

Lord Young, addressing Mr Jameson, said it was well to understand the point they were trying. There was no doubt, he presumed, that the man died?—Mr Jameson: No, my lord.—Lord Young: And there is no doubt excessive violence was used towards him, in consequence of which he died. The question, I understand, is whether the prisoner, although there, had any hand in the violence, or whether it was all done by the other man. Prisoner admits in his declaration that he was there, and puts all the blame on the other man.—Mr Jameson: Yes, my lord.—His lordship asked the Advocate-Depute to address his questions therefore to the point at issue.

Margaret Little, daughter of George Little, harbour master, Glencaple: My brother has a grocer's shop in Glencaple. Between nine and ten o'clock on the night of 5th May, I was standing at the shop door. I saw a man in moleskin clothes pass in company with Constable Glenahan and two other men. I saw Glenahan come back, and then heard cries and screams. I looked in the

corroborated her husband. The man in the middle seemed to be in pain, and exclaimed, "O murder! O dear!" The man on the right side told him to hold his peace, or he would put him in the water over the head.—Cross-examined: When I first heard the cry I thought it was a man in the water.

Margaret Black or Thomson, widow, Conheath Cottages, also corroborated, but could not say whether the man who made the threat about the water was the taller or the shorter.

Mary Grierson, grocer, Kelton: On the 5th of May, was assisting my brother-in-law in his public-house at Kelton. About 10 o'clock, prisoner, another keeper, and an escaped patient came into the house, and one of the keepers ordered three glasses of beer. Did not notice whether the prisoner got a glass. He was not carried in—they all walked, and he seemed as capable of doing so as the others. He walked away when they left without assistance.—Cross-examined: They were in only for a few minutes. I know Watson. I know nothing of him but that he is a sober and good tempered man.—Re-examined: There was besides the ale half a glass of whisky ordered.—Cross-examined: I think it was Watson who ordered and paid for the ale and Middleton the whisky.

By Lord Young: My brother's house is about half-a-mile nearer Dumfries than are Conheath Cottages. A person coming from Conheath would have to walk that distance before reaching my brother's.

John Stott of Netherwood: On the night of the 5th of May I was in Dumfries. I left it about half-past ten with a Mr Anderson. When about 300 or 400 yards on the Dumfries side of Netherwood entrance we heard a cry or yell. We did not hear anything like a scuffle. I went a little in advance of Mr Anderson—about fifty yards—and saw a man lying on the road, and two men leaning against a small wall. The man on the road was moaning when I came up. Of the two standing, one was taller, the other shorter. Cannot recognise prisoner. I asked what was the matter, and the shorter man—who was not prisoner—said the one lying on the road was drunk. I then asked where he had come from? The same man replied "From a cottage down there." He did not tell me they were keepers taking back an escaped patient. On hearing that answer, the man lying on the road said: "No. I have run away from the Asylum. These are keepers." So-and-so, but I don't remember the names; and, he added "they have been kicking me." Only one of the keepers spoke and that one was not prisoner. The man on the ground was still lying there when he spoke and I was stooping over him.—Did he say anything else? Yes: "Don't leave me or they'll kick me to death." I asked the short keeper if the man's story was true. He said yes—that the patient had run away from the Asylum that day, and that they had had great trouble in catching him. I asked him if they had not a conveyance. They said they had one when in pursuit and, until they got the patient at Glencaple. I asked the patient if he could not rise. He made no answer, but continued moaning. This was at a point about a mile from the Asylum. Mr Anderson and I offered to assist the keepers, but they said they would get along quietly themselves. We then left, proceeding towards Mr Anderson's house. When we had gone about 200 or 300 yards we heard a cry or yell similar to the first coming from where we had left the man lying on the ground. We stopped to listen a little, but did not go back.—Cross-examined: When we came up to the keepers they appeared as if they were taking a rest, and the patient as if he had lain down on the road.

Wm. Anderson, clerk, residing at Netherwood Bank, gave corroborative evidence. The man on the road asked him, and Mr Stott not to leave him. He did not hear the words, "They will kick me to death."—Cross-examined: Both the keepers when I saw them seemed to be sober and quiet.—By Lord Young: When we heard the cries after leaving the party I thought they might be caused by the keepers lifting the patient.

Charles Costeur, attendant, Southern Counties Asylum: In May last I was night attendant. On

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seemed to be struggling to get away. I could not see clearly, but I heard two heavy blows. These were after the screams of which I spoke. I went in and told my father generally what I had seen. I said I thought Clenahan was using his baton to the man. My sister Margaret was not at the door. She was in the house.

Cross-examined: I was at too great a distance to hear any conversation. It would be about 150 yards from the house that the struggle took place. The blows I heard were like blows from a baton. The struggle occupied about five minutes. When I had told my father, I returned to the door and saw the three men go along the road together. I went in then, and heard no more.

By Lord Young: When the men passed our door I heard Constable Clenahan's cough. I knew it to be his. I did not hear any other noise, except the tread of feet. I went to the door to see what it was. I then saw the Asylum patient whom I had seen in the morning, and two men at least with him. I cannot say for more than two. I cannot say the constable was there at all.—Lord Young: But if his cough was there, he must have been.—Witness: I heard his cough before they came forward, but he may have turned before I came out. They were about fifty yards past when I got to the door. The constable's house is further into the village than ours, and he might have gone back to his own house. I imagined when I heard the blows that it might be the constable with his baton, but I had no reason for thinking he was there at all.

Margaret Paterson Haining, a sister of last witness, was next called; but before she was put in the box,

Lord Young, addressing Mr Jameson, said it was well to understand the point they were trying. There was no doubt, he presumed, that the man died?—Mr Jameson: No, my lord.—Lord Young: And there is no doubt excessive violence was used towards him, in consequence of which he died. The question, I understand, is whether the prisoner, although there, had any hand in the violence, or whether it was all done by the other man. Prisoner admits in his declaration that he was there, and puts all the blame on the other man.—Mr Jameson: Yes, my lord.—His lordship asked the Advocate-Depute to address his questions therefore to the point at issue.

Margaret Little, daughter of George Little, harbour master, Glencaple: My brother has a grocer's shop in Glencaple. Between nine and ten o'clock on the night of 5th May, I was standing at the shop door. I saw a man in moleskin clothes pass in company with Constable Clenahan and two other men. I saw Clenahan come back, and then heard cries and screams. I looked in the direction, but saw nothing.

Cross-examined: When I heard the screams Clenahan was nearer the men than I was. There seemed to be a struggle going on. It lasted about a minute.

Lord Young here suggested that it would make the case more intelligible to the jury if prisoner's declaration were read at this point, shewing how he put the case.

The Clerk of Court accordingly read the declaration, which was taken before Sheriff Hope on the 17th May. It was as follows: "My name is John Watson. I was lately an attendant in the Southern Counties Asylum for Lunatics at Dumfries. I am 32 years of age and not married. A patient named Hugh Hale escaped from the Southern Counties Asylum on the 5th inst. In consequence of information, the late James Middleton, head attendant, and I went to search for him in the neighbourhood of Glencaple. In the evening, about nine o'clock, we found that he was in custody at the police station there. James Middleton and I received him from Constable Clenahan, and brought him along the Glencaple road towards the Asylum. The policeman

John Stott of Netherwood: On the night of the 5th of May I was in Dumfries. I left it about half-past ten with a Mr Anderson. When about 300 or 400 yards on the Dumfries side of Netherwood entrance we heard a cry or yell. We did not hear anything like a scuffle. I went a little in advance of Mr Anderson—about fifty yards—and saw a man lying on the road, and two men leaning against a small wall. The man on the road was moaning when I came up. Of the two standing, one was taller, the other shorter. Cannot recognise prisoner. I asked what was the matter, and the shorter man—who was not prisoner—said the one lying on the road was drunk. I then asked where he had come from? The same man replied "From a cottage down there." He did not tell me they were keepers taking back an escaped patient. On hearing that answer, the man lying on the road said: "No. I have run away from the Asylum. These are keepers." So-and-So, but I don't remember the names; and, he added "they have been kicking me." Only one of the keepers spoke and that one was not prisoner. The man on the ground was still lying there when he spoke and I was stooping over him.—Did he say anything else? Yes: "Don't leave me or they'll kick me to death." I asked the short keeper if the man's story was true. He said yes—that the patient had run away from the Asylum that day, and that they had had great trouble in catching him. I asked him if they had not a conveyance. They said they had one when in pursuit and until they got the patient at Glencaple. I asked the patient if he could not rise. He made no answer, but continued moaning. This was at a point about a mile from the Asylum. Mr Anderson and I offered to assist the keepers, but they said they would get along quietly themselves. We then left, proceeding towards Mr Anderson's house. When we had gone about 200 or 300 yards we heard a cry or yell similar to the first coming from where we had left the man lying on the ground. We stopped to listen a little, but did not go back.—Cross-examined—When we came up to the keepers they appeared as if they were taking a rest, and the patient as if he had lain down on the road.

Wm. Anderson, clerk, residing at Netherwood Bunk, gave corroborative evidence. The man on the road asked him, and Mr Stott not to leave him. He did not hear the words, "They will kick me to death."—Cross-examined: Both the keepers when I saw them seemed to be sober and quiet.—By Lord Young: When we heard the cries after leaving the party I thought they might be caused by the keepers lifting the patient.

Charles Costeur, attendant, Southern Counties Asylum: In May last I was night attendant. On the morning of the 6th of that month, shortly after midnight, accused came to me in the Asylum and asked me to go with him to Brownhall Loaning, to give Middleton and him a hand in bringing home Hale, who was lying on the ground, very much broke up or broke down, I forget which. I went, and found Hale on the ground, and Middleton beside him. Hale did not speak, but was moaning. Middleton, who did not speak to me, told Watson to go for a barrow. Watson went to the stockyard at Brownhall for one. When he returned with it we put Hale across the barrow, and wheeled him to the Asylum, which we reached about half-past twelve o'clock. He kept moaning all the way, but never spoke. When we arrived at the door we set him on his feet, and he was linked in, one of us on each side. We got him put to bed with his clothes off—not in his own room, which was upstairs, but in a room on the lower floor. He was too weak to be taken upstairs. He helped a little when we were taking off his clothes—moaning all the time. After getting him to bed Middleton and Watson left. I also left, and locked the door. In about twenty minutes Hale called for me. I went. He asked

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for a drink of water. I gave him one. I then left, and locked the door. About twenty minutes afterwards he again called. I went, and he again asked to have a drink. I gave him about half a cupful. I then left him, and locked the door. After a similar interval, about twenty minutes, he called a third time. I went to him, and he said "Charles, I am dying." I obtained a light, and went to Middleton's room. He was in bed. So was Watson. I told Middleton I thought Hale was dying. He told me to go for Mr Smith, the assistant physician. I did so. Mr Smith dressed himself and came down in about five minutes, when Hale was just expiring. Hale sustained no injuries during the time that I was with him that night. When wheeling him his head lay over the edge of the barrow, and had to be supported.

Cross-examined: I have known Watson for some time. He is a quiet good tempered man. Middleton was head over all the attendants. Hale was a very strong man.

By Lord Young: Hale had been a patient for about five years. I saw him occasionally at nights. He was always quiet with me. I had no charge of him in the day time. He called me "Charles," and was on good terms with me. He did not say how his dying had come to pass. I did not go to Watson when I went to Middleton and said Hale was dying. I did not see Watson till next morning. I told him Hale was dead. He said "he did not believe it, it was not true."—Did you say no more? No.—You just left him in his unbelief? Yes.—You did not speak to him again or he to you on the subject? No.—What did Middleton say when you told him? He said, "Indeed."—Did you see any marks of violence on the man before he died? Yes, a red mark round his neck. He had a tie on, but that did not hide the mark, which was on the front part of the neck between the tie and chin.—How did you think Hale's condition had come about? I could not say.—You did not make any inquiry about it? No.—Is it such a common thing for patients to be brought into the house in that state? No.—And you did not go to any of the superior officers and report the matter? No.—And you have been five years there? Yes.—I should say you have been quite long enough. (Laughter.)

Arthur Greatrex Smith, assistant physician at the Southern Counties Asylum: I have been in my present situation since April last. On the morning of the 6th May, about half-past two, Charles Costeur came to my room and woke me. He told me he thought Hale was sinking fast. I was aware that a patient had escaped, but did not know who it was. In five minutes or less I was at Hale's bedside. He was then practically dead. His heart beat only once or twice. Costeur was the only other person in the room at the time. I saw bruises on Hale's face and a mark on the neck. I examined the body, but observed nothing remarkable here. The mark on the neck struck me as suspicious. I reported the death the same morning about half-past eight o'clock to the medical superintendent.

By Lord Young: I did not think it necessary to report the case at once.—Is it so common for a patient to die in the Asylum with evidence of violence about him that you did not think the death of this man of sufficient importance to awaken the doctor? No; but I did not think it necessary at the time.—You thought it might just stand over till the next morning, when the Doctor came about? The same morning, my lord.

Cross-examined: I examined Hale's neck after post mortem examination. I found the mark was only skin deep. But it was too definite to have been caused by the man being taken by the tie. It looked like the mark of a rope. Middleton told me that he had the assistance of the constable to a short way from Glencaple, that afterwards Hale attempted to get away, and that they restrained him; that Hale then walked on quietly enough in front of them; that they had a refreshment at Kelton; that when they came to Brownhall Farm Hale was rather more out of his

any other cause he fell several times on the road.

Dr James Rutherford, medical superintendent of the Crichton Royal Institution, Dumfries: I was informed of the death of Hugh Hale on the morning of 6th May, about half-past eight. It had been reported to me that he had escaped from the Asylum on the previous day, and that Middleton and Watson were in pursuit of him. It was my assistant, Mr Smith, who informed me of the death. I went at once and examined the body. I saw abrasions on the face and neck and bruises on the arms. I at once thought them suspicious. What most struck me were the marks on the neck. I at once reported the case to the procurator-fiscal. I asked Middleton about the occurrences that had led to the death of Hale. Watson was away at Stranraer that day on an errand that had been previously arranged. He returned in the evening. He made no report as to the cause of death. Middleton told me that Hale escaped about half-past four, that he and Watson went in pursuit of him, and after a long search discovered him, about half-past ten, in the house of the policeman at Glencaple; that the policeman accompanied them part of the way; that after the policeman left them a struggle ensued, the patient having tried to escape; and after this the patient was very unable to walk, and fell several times on the road. They took him into the public-house at Kelton, and gave him a glass of beer. They reached Brownhall Farm—that is on the Asylum property—at about twelve o'clock, when Watson was sent for the night attendant to assist them in bringing the patient to the Asylum. He was so unable to walk that they put him into a wheel-barrow and thus conveyed him to the Asylum. I was informed by Middleton that he walked from the barrow to his bed-room, undressed himself, and went to bed. I was also told that by the night attendant. After having been placed in bed, he was left under charge of the night attendant. This story was told me before the post mortem examination. It did not rouse my suspicion about serious internal injury. The marks on the neck, the brightness of the eye, and another symptom led me to suspect death by hanging. After the post mortem examination, and after the meeting of the House Board, I suspended both Middleton and Watson. That was the day before Middleton's death. I did not think the attendants did right in not making a report to me that night, and on that ground they were suspended. It was Watson's duty, as well as Middleton's, to have made such a report. I dismissed Costeur also, on the same ground. Hale had been five years in the Asylum. I have only been there for fifteen months. Of the case before that time I can only speak from the reports in the books. [Dr Rutherford here read a number of extracts from the books of the Institution relative to Hale's case. From these it appeared that he was admitted on 12th May, 1879, being then 34 years of age and married, and suffering from a second attack of insanity, which had continued for five weeks. The medical certificates, which were signed by Dr Johnstone and Dr Urquhart, Kirkcudbright, stated that he was dangerous to others. He suffered from delusions, one of which was that his wife and others had entered into a conspiracy to poison him; and under the influence of this delusion he had ejected his wife and family from the house. He was released in September, 1879, on probation, but readmitted the same month. The earlier periodical reports were generally to the effect that he was "moody and sometimes threatening," "reticent and suspicious," and it was stated that on several occasions he had violently assaulted officials by striking them on the face. It was further noted that he had a peculiar habit of moving his scalp, of which he would give no explanation.—Lord Young: A man who has the power of moving his scalp cannot possibly explain it. (Laughter.)—Dr Rutherford went on to read the later reports, which stated that the patient's violent moods had disappeared. Witness added,

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was only skin deep. But it was too definite to have been caused by the man being taken by the tie. It looked like the mark of a rope. Middleton told me that he had the assistance of the constable to a short way from Glencaple, that afterwards Hale attempted to get away, and that they restrained him; that Hale then walked on quietly enough in front of them; that they had a refreshment at Kelton; that when they came to Brown-hall Farm Hale was rather worn out, and they sent for assistance to the Asylum; that they got a wheel-barrow, put Hale into it, and conveyed him to the Asylum; that after that they undressed him, put him to bed, left him under Costeur's charge, and went to bed. I have known Watson since I went to the Asylum. He bore a good character. I never heard anything against him. Hale was not at that time under Watson's charge. His keeper was John Taylor.

Re-examined: The mark on the neck might have been caused by Hale's head lying over the edge of the barrow. Hale's mental condition was one of dementia. The only peculiarity I observed about its manifestation was a certain working of his hands. His mind was very weak. He could not answer questions coherently—sometimes not at all.—Was he under any delusions? Not so far as I observed.—Was he a healthy man bodily? Yes; he was a strong man. So far as I knew him he was quiet and harmless, and under no personal restraint except that he was kept within the bounds of the Asylum.

Alexander McDonald, physician, Dumfries: I was called along with Dr Kerr to make a *post mortem* examination of the body of the patient Hale. We made the examination on the 7th of May, and the following is our report:

We found the body lying on its back, with hands folded over abdomen and left leg bent up against side of bedstead. Rigor mortis was well marked. The skin over the whole body was of a peculiar pallor, except posteriorly. We found two small abrasions on left temple; a little ecchymosis in the inner surface of left side of upper lip, also a little on right side of under lip; and the mucous membrane inside the mouth and over the gums in a very markedly pallid and anemic condition. Both cheeks, especially in the region of the zygomatics, were somewhat abraded, and the auricle of the right ear had a slight abrasion on it. We also found two bands of ecchymosis over the throat, more marked on the left side than on the right, and gradually disappearing towards the back of the neck. They were each about half-an-inch in width and not quite parallel, running into each other over the trachea. There was also a small abrasion on the right shoulder. These all appeared to be of recent occurrence. On left arm there was a considerable amount of bruising on the outer aspect, and on the right arm there were several small abrasions near the wrist, and one on the elbow with considerable ecchymosis on the outer aspect of the forearm; but these seemed all to be of older date than those on the face and neck. There was also a fresh abrasion on the left knee, and an old bruise on the right leg over the tibia. Hypostatic congestion was well marked over the posterior surface of the body. The body being removed to the dead-house, we there made the internal examination. On opening the scalp we found a patch of ecchymosis on the right side, between the scalp and the bone. The calvarium being opened, we found the brain and its membranes healthy. Thorax.—On opening this we found a considerable quantity of blood lying in the cavity. Heart.—We found above three teaspoonfuls of blood in the left ventricle, and above two in the right; both auricles were empty and anemic; the aortic, pulmonary and mitral valves were healthy, except a slightly atheromatous condition of the mitral. The heart weighed eight ounces. Lungs.—The right lung had pleuritic adhesions about the middle of its posterior aspect, upper and middle lobes emphysematous and anemic, lower lobe congested. The left lung had pleuritic adhesions posteriorly near the apex, upper lobe emphysematous, lower lobe congested, with a rupture of its tissue and the pleura over it about an inch in length, and situated about two inches from the base posteriorly, and in the thoracic walls over this we found that the seventh, eighth, and ninth ribs on the left side were fractured at a distance from the spine varying from one to three inches. The right lung weighed 16 ounces; the left, 12 ounces. Abdomen.—Bowels and stomach healthy; spleen had several small tears in its tissue, with spots of hemorrhage immediately behind it, and extending downwards along the ligament muscle into the pelvis. The spleen was anemic, and weighed 3½ ounces. Liver.—On its posterior surface we found a rupture three-quarters of an inch long and one inch deep; the gall bladder was full of bile, and weighed two ounces. We further certify on soul and conscience, that from this inspection we are of opinion that death resulted from internal hemorrhage, arising especially from the injury to the left lung and the fractured ribs, as shown by the amount of blood found in the thoracic cavity, as well as by the extreme pallor and anemic of the skin and mucous membranes, and also of most of the internal viscera. The injuries behind the spleen and liver were, doubtless, due to the same cause. Further, we are of opinion that these injuries were caused by external violence either from falls, kicks, or blows. With regard to the marks on throat and face, they appear to us to have been caused by the rubbing of the neck against some hard substance for some considerable time, most probably against such a thing as the collar of a coat.

that on several occasions he had violently assaulted officials by striking them on the face. It was further noted that he had a peculiar habit of moving his scalp, of which he would give no explanation.—Lord Young: A man who has the power of moving his scalp cannot possibly explain it. (Laughter.)—Dr Rutherford went on to read the later reports, which stated that the patient's violent moods had disappeared. Witness added, in reply to a question, that during the time he had been in the Asylum Hale was perfectly quiet and well-behaved.—Lord Young: Has he been exhibiting any symptoms of insanity at all?—Dr Rutherford: His weakness of mind was apparent.—Lord Young: But no other symptoms of insanity?—Dr Rutherford: He had no delusions that I saw, and he was apparently harmless.—Lord Young: Then it is not expressing it too strongly, is it, to say that he had no symptoms of insanity except weakness of mind?—Dr Rutherford: I had observed no other symptoms.

Cross-examined: He had never made any attempts to escape during the time I have been in the institution before this. I would not have thought of dismissing him as cured. Middleton was head attendant. It was no part of his duty to go after patients; but it was his zeal on that day that made him exceed his duty. Watson was to a certain extent under his orders. The head attendant is responsible for good order in the male department. It is the duty of all attendants to report on the patients under their charge directly to me. Hale was not under Watson, but under another attendant. Middleton died from poisoning by strychnine the day after I suspended him. Since I came to the Asylum I had observed Watson to be a person of excellent character and good temper.

Re-examined: An officer may have come to the Asylum on the 15th May with a warrant to apprehend Middleton and Watson. Middleton had committed suicide that day, and Watson had gone to his own home.

By the Court: I suspected death from hanging when I first saw the body, and that suspicion remained on my mind until after the *post mortem* examination. I suspected he had hanged himself, and asked if there were any strings or ropes in his room.—Lord Young: How could he possibly have done so?—Dr Rutherford: It appeared very strange.—Lord Young: He could not have hanged himself before he was apprehended alive. (Laughter.)—Dr Rutherford: I observed certain symptoms which seemed to point to suicide or attempted suicide by hanging.—Lord Young: Where? At Glencaple?—Witness: I could form no opinion on the subject, but I could put no other explanation on the symptoms which I have mentioned.

John Henry, sergeant in the Dumfriesshire Constabulary: I got a warrant on 15th May for apprehension of Middleton and Watson. Middleton, I found, was dead that morning. Watson, had left the Asylum. I went to his parents' house. He had not been heard of there, and they knew nothing about him. I searched for him elsewhere all that day and the next. On the third day he gave himself up.

This closed the case for the Crown.

John Roddick, attendant in the Southern Counties Asylum, was called on the prisoner's behalf. I have (he said) been six years in the Asylum. I knew Hale, a patient now deceased. He had been guilty of violence during my term in the Asylum. He attempted to stab the painter with a knife. I cannot give the date, but I think it would be two years ago.

Lord Young: Is your case provocation?—Mr Jameson: No, my lord; but we wish to shew that this was a dangerous lunatic, who might break out at any time, and that he did so on this occasion.—Lord Young: And therefore that it was proper to break his ribs at once?—Mr Jameson: Certainly not, my lord; but that the injuries were inflicted in the struggle that ensued.—Lord Young: In self-defence.

Examination continued: I remember Hale giving Dr Munro a black eye: and when Mr Dodds was preaching on one occasion he went up and struck him. Both these assaults were committed without provocation. He was a powerful man. Watson

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bruising on the outer aspect, and on the right arm there were several small abrasions near the wrist, and one on the elbow with considerable ecchymosis on the outer aspect of the forearm; but these seemed all to be of older date than those on the face and neck. There was also a fresh abrasion on the left knee, and an old bruise on the right leg over the tibia. Hypostatic congestion was well marked over the posterior surface of the body. The body being removed to the dead-house, we there made the internal examination. On opening the scalp we found a patch of ecchymosis on the right side, between the scalp and the bone. The calvarium being opened, we found the brain and its membranes healthy. Thorax.—On opening this we found a considerable quantity of blood lying in the cavity. Heart.—We found above three teaspoonfuls of blood in the left ventricle, and above two in the right; both auricles were empty and anemic; the aortic, pulmonary and mitral valves were healthy, except a slightly atheromatous condition of the mitral. The heart weighed eight ounces. Lungs.—The right lung had pleuritic adhesions about the middle of its posterior aspect, upper and middle lobes emphysematous and anemic, lower lobe congested. The left lung had pleuritic adhesions posteriorly near the apex, upper lobe emphysematous, lower lobe congested, with a rupture of its tissue and the pleura over it about an inch in length, and situated about two inches from the base posteriorly, and in the thoracic walls over this we found that the seventh, eighth, and ninth ribs on the left side were fractured at a distance from the spine varying from one to three inches. The right lung weighed 16 ounces; the left, 12 ounces. Abdomen.—Bowels and stomach healthy; spleen had several small tears in its tissue with post-mortem hemorrhage immediately behind it, and extending downwards along the iliacus muscle into the pelvis. The spleen was anemic, and weighed 3½ ounces. Liver.—On its posterior surface we found a rupture three-quarters of an inch long and one inch deep; the gall bladder was full of bile, and weighed two ounces. We further certify on soul and conscience, that from this inspection we are of opinion that death resulted from internal hemorrhage, arising especially from the injury to the left lung and the fractured ribs, as shown by the amount of blood found in the thoracic cavity, as well as by the extreme pallor and anemic condition of the skin and mucous membranes, and also of most of the internal viscera. The injuries behind the spleen and liver were, doubtless, due to the same cause. Further, we are of opinion that these injuries were caused by external violence either from falls, kicks, or blows. With regard to the marks on throat and face, they appear to us to have been caused by the rubbing of the neck against some hard substance for some considerable time, most probably against such a thing as the edge of a board or rail.

We had a subsequent opportunity of looking at the body, but then found nothing different from what is stated in our report. The injuries were such that no medical treatment could have prevented death.—Supposing these injuries had taken place within half a mile from Glencaple, could the man have walked to the public-house at Kelton, been in the public-house apparently suffering from no injuries, and walked to Brownhill? I don't think so.

Cross-examined: The three ribs broken were next to each other on the one side. Two kicks—possibly one—might account for that injury. If when walking along the road Hale sat down and was lifted up the working of the ribs would aggravate the internal hemorrhage. On the 15th of May Middleton committed suicide by poisoning.

By Lord Young: I think it probable that some of the injuries were inflicted after the party left the public-house.—Must the treatment have been severe to produce the injuries you saw? Yes.—Savage in fact? I think so, my lord.

Dr Kerr, Dumfries: Shewn report signed by Dr Macdonald and himself, deposed: That is a true report. The injuries there described were necessarily fatal. Assuming that all these injuries had been inflicted three or four miles from the Asylum, he could not have walked to the Asylum or near it.

Cross-examined: His injuries would become aggravated by walking along the road, and would be still more aggravated if by exhaustion or from

himself before he was apprehended alive. (Laughter.)—Dr Rutherford: I observed certain symptoms which seemed to point to suicide or attempted suicide by hanging.—Lord Young: Where? At Glencaple?—Witness: I could form no opinion on the subject, but I could put no other explanation on the symptoms which I have mentioned.

John Henry, sergeant in the Dumfriesshire Constabulary: I got a warrant on 15th May for apprehension of Middleton and Watson. Middleton, I found, was dead that morning. Watson, had left the Asylum. I went to his parents' house. He had not been heard of there, and they knew nothing about him. I searched for him elsewhere all that day and the next. On the third day he gave himself up.

This closed the case for the Crown.

John Roddick, attendant in the Southern Counties Asylum, was called on the prisoner's behalf. I have (he said) been six years in the Asylum. I knew Hale, a patient now deceased. He had been guilty of violence during my term in the Asylum. He attempted to stab the painter with a knife. I cannot give the date, but I think it would be two years ago.

Lord Young: Is your case provocation?—Mr Jameson: No, my lord; but we wish to shew that this was a dangerous lunatic, who might break out at any time, and that he did so on this occasion.—Lord Young: And therefore that it was proper to break his ribs at once?—Mr Jameson: Certainly not, my lord; but that the injuries were inflicted in the struggle that ensued.—Lord Young: In self-defence.

Examination continued: I remember Hale giving Dr Munro a black eye; and when Mr Dodda was preaching on one occasion he went up and struck him. Both these assaults were committed without provocation. He was a powerful man. Watson was quiet and good tempered, as far as ever I saw.

By the Advocate-Depute: I did not see him attempt to stab the painter; but I was sent for, and saw him with the knife in his hand. I cannot give the date of the attack on Dr Munro. It would be more than three years since, I think. The attack on the chaplain would be somewhere about two years ago, I think.—The Advocate-Depute (quoting from one of the later reports): Would this be a correct description of his state during the last year: "Of late he has been much better; he is getting well; and his threatening ways have disappeared?"—Witness: During the last year he was not very threatening.

Janet Haining or Lawrie, wife of Irvine Lawrie, retired seaman, Kelton: On the night of 5th May last I went as far as the loaning of Borland Farm with my niece, who was going to Conneath. I turned to come home about ten o'clock. I was standing at the entrance to Borland Farm when John Watson and two other men passed me. I remarked to my niece "That is the man that escaped. They have got him." My niece suggested I should walk behind them for company. I followed them, at a distance of thirty or forty yards, to Mrs Beattie's public-house, about a quarter of a mile. They were going quite quietly and quickly. During that time I saw no struggle going on or violence of any kind. I know Watson well. He has the character of a very quiet man.

By the Advocate-Depute: The man in the centre

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d. was walking as well as the others. The others were not supporting him. He was not leaning on them.

By the Court: There was no speaking or meaning that I heard. I was near enough to have heard if there had been any.—Witness was not able to tell his lordship how far the entrance to Brownhall is from Kelton.

Sergeant Henry was thereupon recalled and examined as to distances. The distance from Clenahan's house to Nith View House, he said, was 555 yards; from Nith View House to Conheath Cottages, 170 yards; from Conheath Cottages to Borland Farm, 850 yards; from Borland to Kelton public house, 640 yards; from there to Netherwood entrance, a mile and 330 yards; thence to Brownhall, 330 yards; from there to the Asylum, 335 yards.

This was all the evidence, and a short adjournment was made. On resuming, about half-past two.

The Advocate-Depute proceeded to address the jury. Hale, he said, had no doubt left the Asylum in dread that day; but notwithstanding this, he was in a calm placable frame of mind that night, all the time he was with the policeman. Nothing could be more worthy of commendation than the conduct of Constable Clenahan. If the Asylum warders had shewn the same consideration, kindness, and placability that was shewn by this country constable to that man, he might have been still living, and possibly restored to his wife and family; Middleton would have been living to-day; and the prisoner would not now have been in the dock. Hale was also in a healthy state of body when the attendants received him; but when they gave him up he was a mass of bruises inside, his ribs broken, his liver and lungs ruptured, and he was as good as a dead man. They knew the condition he was in; they knew it might be a matter of minutes the saving of his life after what they—one or both of them—had done to him; and, knowing that, both concealed the circumstance. They turned the key upon him, and went away, leaving him to take his chance, his chance proving to be death in two hours. Notwithstanding his terror of the keepers, although he had said he would be murdered that night, Hale was not like a lamb to the fate, for all the evidence that had been led. The learned gentleman reviewed the evidence at some length, contending that, contrary to the statement in prisoner's declaration, serious violence must have been inflicted after they left Conheath, and alluding to the absence of any but trifling external marks of violence, notwithstanding that deceased was inside a mass of blood and broken bones, as in itself a serious aspect of the case, suggesting that the injuries had been skillfully inflicted. He laid special stress on the circumstance that the two men, who must have acted in concert in inflicting the injuries, also acted in concert in concealing what had happened. The only direct evidence in the case was that of the dead man Hale. The last words which he was heard to utter by Mr Stott were "I am from the Asylum; these are attendants, and they have been kicking me." That evidence made no distinction between Middleton and Watson. And it was a strong point against Watson that only a few days before, even within the walls of the Asylum, he had been guilty of similar violence towards the deceased. In concluding his address, the learned gentleman remarked that it was not in the interest of the poor man who was dead that the prisoner was brought to trial. "After life's fitful fever he sleeps well." But there were many men shut up within the walls of lunatic asylums, suffering from the greatest of trials, separated from wife and family, and without that calm and serenity of mind which sustained people under other afflictions; and it was important that they should be protected from brutal violence and be allowed every chance of getting back to a state of sanity. And this was a pauper lunatic, who was more particularly a child of the State; for when the patient was a rich man, even his whims were considered. When dealing with masses of men in such institutions, there was a strong temptation to keep them down; and it was never outside the range of possibility that

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one from the beginning. A strong young man, a journeyman plasterer, with a wife and family, he got affected in his mind in a way of which, he was sorry to say, there were numerous instances. He thought the people about him were bent on poisoning him. That was not an infrequent delusion. Insanity often manifested itself in that way. From such evidence as they had, he seemed never to have been under any other delusion. There were indications rather than distinct evidence that since he was put into the Asylum, five years ago, he had been a little violent on two or three occasions, but the most recent of these was two years ago. During the last two years he had manifested no violence whatever, no passion, no indication of insanity, except a certain mental weakness. Latterly he was anxious to get back to work, and made his escape. His lordship then proceeded to give a narrative of the case as presented by the evidence, referring, in particular, to the remarks made by Hale, and asking the jury to remember when considering these that they were the words of a person whose mind was affected. The question for the jury to deal with was whether the injuries were inflicted by Middleton alone or partly by prisoner, or whether prisoner was shewn by the evidence to have been a consenting party to what was done. If they were satisfied of that, not as a likelihood but as a certainty, they would give their verdict accordingly. Although one would think very meanly of the man who did not interpose to protect a poor patient from the violence of a person like Middleton, yet he could not tell them that that would constitute responsibility for the homicide. Though certainly not inclined to applaud self-taught, he could not instruct them that to abstain from denouncing brutal violence on the part of an attendant would involve a witness to it in the guilt of culpable homicide. In considering the evidence of prisoner, however, it was fair to bear in view that the whole conduct of Middleton and he shewed that they could not have supposed that they were taking to the Asylum a man whose death was upon him. He concluded by reading the declaration of prisoner.

The jury retired at half-past four o'clock, and after an absence of seven minutes returned, through their foreman, Mr Paterson, Sorbie, a verdict of not proven.

The announcement was received with applause, and prisoner was discharged.

Lord Young thanked Sheriff Macpherson and the Magistrates for their attendance, and commended them on the very satisfactory state of the counties as regarded crime—there having been only two commitments to prison for trial, one made yesterday and the other the day before, and neither of them from this county.

The court then rose.

DUMFRIESSHIRE VOTERS' ROLL.

Mr Clerk, assessor for the county of Dumfries, has just made up the voters' roll for the year 1884-85, the details of which are as follows:—

TEORNHILL DISTRICT.				
Parish.	Old Roll.	Off.	On.	New Roll.
Brickwood	41	4	2	39
Brighar	50	2	0	54
Brighar	38	3	1	35
Brighar	83	10	14	87
Brighar	26	6	5	55
Brighar	77	14	9	72
Brighar	26	8	6	24
Brighar	33	2	5	36
Brighar	127	10	4	121
	531	59	52	524

DUMFRIES DISTRICT.				
Brighar	323	36	29	316
Brighar	114	5	9	118
Brighar	64	1	5	68
Brighar	82	9	9	82
Brighar	50	3	3	50
Brighar	67	6	5	68
Brighar	40	2	4	42
Brighar	62	6	8	65
	802	67	70	765

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Mr Jameson, addressing the court on behalf of the prisoner, said there was undoubtedly that right undue and improper violence used by some one to this man who had now lost his life. But the very seriousness of the crime demanded that they should have, to establish a charge of this kind, clear and unequivocal guilt of the one man who was now before them. And he could have wished that his learned friend had directed himself more to piecing together the little bits of evidence on which he could rest his case, instead of trying, as he thought he had done, to inflame the minds of the jury by statements about skilfully mangled bodies, deeds of darkness, of men being "done to death," and phrases of that kind, which he thought had no proper meaning in the mouth of a public prosecutor, and which he hoped they would dismiss from their minds altogether. The case was black enough without further darkening it by the arts of rhetoric, and without reference to other offences in asylums, with which this case had nothing earthly to do. He took his stand at once on the prisoner's story. There was one struggle only, when the patient tried to escape; and thinking he was going to throw himself into the river, as he had threatened, the attendants threw him down, and Middles then, probably under the influence of rage, did what was a very improper thing: kicked a man who was down, and stayed in his rite with his feet. To those injuries alone, he thought, might be attributed all the screams and cries that were heard on the road and the death of this unfortunate man. He asked the jury to disabuse their minds of the statement which the Advocate-Depute had thought fit to put before them very strongly, that deceased had a short time before been abused by Watson. That rested solely on the statement of this lunatic in a state of *dementia*, and it was not made any clear whether he mentioned Watson at all. He disbelieved the statement altogether, because there were no marks whatever of the alleged violence. And no evidence of such an occurrence had been produced from the Asylum although it might easily have been got if it had taken place. According to his learned friend this man was that night in "a mild placable condition;" he even went almost so far as to quote Scripture saying he went like a lamb to his death; but this man, he reminded them, had formerly been a dangerous lunatic, who turned his wife and family out of doors under the influence of a delusion that they were poisoning him. Attacks of madness were liable to recur, and he suggested that, although he had been free from them for some time, Hale was again suffering from delusions that day, and that the charge against the attendant was one of them. Neither Middles nor Watson had any idea of the extent of the injuries, and this explained why they did not report the occurrence. It was in favour of the prisoner's story that all the injuries were on one

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Mr Clerk, assessor for the county of Dumfriesshire, has just made up the voters' roll for the year 1884-85, the details of which are as follows:—

TOWNHILL DISTRICT.				
Parish.	Old Roll.	Off.	On.	New Roll.
Brickwood	41	4	2	39
Carphar	50	2	0	48
Carphar	38	3	1	36
Carphar	83	10	14	87
Carphar	56	6	5	55
Carphar	77	14	9	72
Carphar	26	8	6	24
Carphar	33	2	5	36
Carphar	127	10	4	121
	531	59	52	524
DUMFRIES DISTRICT.				
Carphar	323	36	29	316
Carphar	114	5	9	118
Carphar	64	1	5	68
Carphar	82	9	9	82
Carphar	50	3	3	50
Carphar	67	6	5	68
Carphar	49	2	4	42
Carphar	62	5	8	65
	802	67	72	807
ANNAN DISTRICT.				
Carphar	47	3	3	47
Carphar	59	1	—	58
Carphar	103	10	8	101
Carphar	41	2	2	41
Carphar	71	3	8	76
Carphar	89	6	9	93
Carphar	116	7	11	120
Carphar	44	5	5	44
Carphar	175	14	13	174
	739	51	50	744
LOCKERBIE DISTRICT.				
Carphar	46	7	8	47
Carphar	142	11	18	149
Carphar	275	29	21	267
Carphar	47	—	1	48
Carphar	47	—	4	51
Carphar	57	7	2	52
Carphar	48	6	1	43
	602	60	55	607
MOFFAT DISTRICT.				
Carphar	246	47	35	234
Carphar	22	1	3	24
Carphar	41	3	2	40
Carphar	59	11	6	54
	398	62	46	392
LANSHOLM DISTRICT.				
Carphar	270	21	15	264
Carphar	83	4	6	83
Carphar	36	—	4	40
Carphar	20	2	3	21
Carphar	18	—	1	19
Carphar	21	—	—	21
	448	27	29	450
ABSTRACT.				
On Roll 1883-84.	New Roll.	Off.	On.	Inc.
531	524	59	52	7
802	807	67	72	5
739	744	51	50	8
602	607	60	55	5
398	392	62	46	16
448	450	27	29	2
547	534	326	313	13
Net decrease	—	—	—	13

GALLOWAY ROLLS OF VOTERS.

F. S. Allan, assessor for the Stewartry of Galloway and Wigtownshire, has completed the rolls of voters for both counties for the current year, subject to revision in the Registration Courts. The following tables show the number of voters in each parish, and the changes made on last year's rolls.

STEWARTRY OF KIRKCUDBRIGHT.						
Parish.	On Roll 1883-84.	Off.	Added.	Increase	Decrease	On Roll 1884-85.
Abertar	54	4	—	—	—	50
Abertar	95	12	—	—	—	83
Abertar	75	—	—	—	—	75
Abertar	60	1	4	3	—	63
Abertar	68	—	—	—	—	68
Abertar	38	—	6	6	—	44
Abertar	90	6	9	3	—	93
Abertar	92	11	8	—	—	89
Abertar	86	6	0	—	—	80
Abertar	105	10	11	1	—	106
Abertar	62	5	—	—	—	57
Abertar	39	4	4	—	—	43
Abertar	232	15	25	10	—	242
Abertar	54	—	3	—	—	57
Abertar	—	—	—	—	—	—

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nears on the road and the death of this un- fortunate man. He asked the jury to disbelieve the statement which the Advocate-Depute had thought fit to put before them very strongly, that deceased had a short time before been abused by Watson. That told solely on the statement of this lunatic in a state of dementia, and it was not made very clear whether he mentioned Watson at all. He disbelieved the statement altogether, because there were no marks whatever of the alleged violence. And no evidence of such an occurrence had been produced from the Asylum, although it might easily have been got if it had taken place. According to his learned friend this man was that night in "a mild placable condition;" he even went almost so far as to quote Scripture saying he went like a lamb to his death; but this man, he reminded them, had formerly been a dangerous lunatic, who turned his wife and family out of doors under the influence of a delusion that they were poisoning him. Attacks of madness were liable to recur, and he suggested that, although he had been free from them for some time, Hale was again suffering from delusions that day, and that the charge against the attendant's was one of them. Neither Middleton nor Watson had any idea of the extent of the injuries, and this explained why they did not report the occurrence. It was in favour of the prisoner's story that all the injuries were on one side and at one place. How did that square with his learned friend's theory that the man was "lashed" all the four miles from Glencairn? Did he suppose that that was skillfully done? The most pregnant fact in the case was Middleton's suicide, for he did not think that if it was Watson who gave the fatal blow Middleton would have seen fit to take poison. His death spoke more eloquently than any confession could have done to this fact, that he was the guilty person, and the man before them was innocent. (Applause from the gallery.)—Lord Young: There must be no repetition of that, or I will order the gallery to be cleared. It is not seemly in a court of justice.—Dealing with the charge that the two men were acting in concert, he submitted that in the case of two men who in the discharge of their duty were apprehending a man, one could not be held guilty for the acts of the other if he exceeded his duty.

Lord Young then addressed the jury. He would not, he said, detain them at any length. It did not occur to him that he could usefully do so. The evidence in the case was quite intelligible, they had just heard it, and they were evidently qualified to judge of it and come to a conclusion upon it. The case of the prisoner had been very properly—very moderately, but at the same time very powerfully—put before them by his counsel, and he should take occasion to call their attention somewhat pointedly to the view which Mr Jameson put before them in the concluding part of his brief but excellent speech. Prisoner was charged with culpable homicide, for it was not suggested that there was any malice or ill-will on the part of prisoner or of Middleton towards the poor man Hale. Had there been any malice or spite, any gratification of ill-will against a troublesome patient, manifested in violence that led to death, the charge would have been of a different order. It was culpable homicide, and the question was whether upon the evidence before them they could say that prisoner was a party to the violence which led to the man's death. The poor man Hale's case seemed to have been a sad

1883	744	51	50	8	—
1884	657	60	55	—	5
1885	552	62	46	—	16
1886	450	27	29	—	—
1887	3547	326	313	15	28
Net decrease	—	—	—	—	13

GALLOWAY ROLLS OF VOTERS.

F. S. Allan, assessor for the Stewartry of Kirkcudbright and Wigtownshire, has completed the rolls of voters for both counties for the current year, subject to revision in the Registration Courts. Following tables show the number of voters in each parish, and the changes made on last year's rolls.

STEWARTRY OF KIRKCUDBRIGHT.						
Parish.	On Roll 1883-84.	Off.	Added.	Increase	Decrease	On Roll 1884-85.
Abbot	54	4	12	—	1	53
Abbot	95	12	8	—	4	91
Abbot	75	3	5	—	—	77
Abbot	60	1	4	—	—	63
Abbot	68	2	4	—	—	70
Abbot	38	7	6	—	1	37
Abbot	99	6	9	—	—	102
Abbot	92	11	8	—	3	89
Abbot	56	6	6	—	—	56
Abbot	195	10	11	—	—	196
Abbot	62	5	7	—	—	64
Abbot	39	4	4	—	—	45
Abbot	232	15	25	10	—	242
Abbot	34	3	3	—	—	34
Abbot	40	1	6	5	—	45
Abbot	30	1	1	—	—	30
Abbot	112	12	10	—	—	110
Abbot	36	9	7	—	—	34
Abbot	43	8	5	—	3	40
Abbot	102	6	8	—	—	104
Abbot	20	2	6	4	—	24
Abbot	52	4	2	—	—	50
Abbot	107	12	6	—	—	101
Abbot	39	3	1	—	—	35
Abbot	49	4	2	—	—	47
Abbot	69	6	14	5	—	74
Abbot	40	5	6	—	—	41
Abbot	231	32	28	—	4	227
Net Increase	2294	197	204	39	32	2391

COUNTY OF WIGTOWN.						
Parish.	On Roll 1883-84.	Off.	Added.	Increase	Decrease	On Roll 1884-85.
Abbot	52	6	5	—	1	51
Abbot	93	4	9	—	—	98
Abbot	99	9	5	—	—	95
Abbot	52	2	2	—	—	52
Abbot	59	3	5	—	—	61
Abbot	136	12	14	2	—	138
Abbot	101	6	9	3	—	104
Abbot	277	25	29	4	—	281
Abbot	136	17	15	—	2	121
Abbot	47	2	3	1	—	48
Abbot	128	5	6	—	—	129
Abbot	102	4	4	—	—	102
Abbot	90	6	12	6	—	96
Abbot	112	9	14	5	—	117
Abbot	82	7	7	—	—	82
Abbot	81	7	7	—	—	81
Net Increase	1637	122	133	21	14	1694

—ALEXANDER COULING MEETING. — This will take place on the 21st and 22d October, over the estates of the patrons, Mr. Jackine of Castlemilk, M.P., and Mr. Brook of Hoddam, the draw taking place on the evening of Monday, the 20th October, at the King's Arms Hotel, Lockerbie. The draw is for the St. Mango Cup for 16 greyhounds, at £3 10s each, with £10 added; the stakes for 32 puppies of 1883, at £3 10s each, with £10 added; the Castlemilk Stakes for 16 pups of all ages, at £2 10s each; and such other stakes as it may be found practicable to add on the evening of the first day of the meeting. The judge will be Mr. T. S. Bell.

Rev. M. sion " was not to be explanatory of his power to make arrangements. On Mr. s had made marks gave the question moved by proceed with. The Moderator had no meeting by regard to the election the meeting. Rev. Mr. s along be elder, prove perform the. The Moderator had refused had elected. Rev. Mr. s before that could not t elders. Wh elders, I am Rev. Mr. s ally that the to me that t and if they s mise it is f before the Cl. The Moderator willing. We lay to call a plaint before. It was ther to call a mee pose of appoi. Rev. Mr. s have not bee elders has not. The Moderator submitted to. Addressing what was the tion with this. The Clerk consider the s phaim, and th. The Moderator considered, is Carphaim as glad to hear w. Rev. Mr. C that some of this question. After some (of the question fama in Carph. Mr Reid points over to the p newspapers, th day for the p deciding this m had done anyth the mere fringe arrive at any d.