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- R v Charlson* (1955) 39 Cr.App.R. 37; [1955] 1 W.L.R. 317.
- R v Kemp* (1956) 40 Cr.App.R. 121; [1957] 1 Q.B. 399.
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DEAR SIR,

I would like to thank Bartholomew *et al* for drawing attention to an error in the discussion section of my paper 'Epileptic homicide: a case report'. It is true that since Lord Denning's well-known remarks in the House of Lords epileptic automatism are more likely to be dealt with as insanity than as non-insane automatism, I was simply trying to indicate that theoretically in this case several defences could have been pursued (including non-insane automatism, as the epileptic basis for his behaviour was not established at that time), but the unsurprising decision of the court was to find him guilty with diminished responsibility. So often this seems to be a compromise verdict based on the pragmatic needs of the legal process.

For those who are unfamiliar with the legal issues relating to acquittal for reasons of no responsibility, I should perhaps indicate that for centuries it has been accepted in British common law that for serious crimes (such as murder) guilt not only depends on action but also on intent. Insanity, unconsciousness and the like have always been taken as interfering with the formation of criminal intent, and therefore were sometimes grounds for a straightforward acquittal. In 1800 James Hadfield was tried for trying to shoot King George III. He was acquitted on psychiatric grounds, and Parliament rushed through a Bill, 'for the safe custody of insane persons charged with offences' to ensure that he was kept in strict custody at His Majesty's pleasure. In other words, the common-law special verdict of not guilty by reason of insanity was always to be followed by indefinite detention (see Walker, 1968). However, other reasons for regarding an accused as unable to form an intention were omitted and have always been omitted in subsequent legislation, so that they are not followed by mandatory indefinite detention.

Recently the Butler Committee (Home Office/DHSS, 1975) has proposed that the area of uncertainty between non-insane automatism and insanity should be clarified by reformulating the special verdict as 'not guilty by reason of mental disorder', and giving the court discretion about subsequent disposal. Mental disorder would include everything now called insanity together with all forms of automata except those transient states caused by drugs or alcohol and by physical injury. This would go a long way towards the solution advocated by Bartholomew *et al* and simultaneously allow the concept of responsibility (intent) to continue its central role in the criminal law.

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CORRECTION:

MONTHLY VARIATION OF SUICIDE

In the article 'Monthly Variation of Suicide and Undetermined Death Compared' by B. M. Barraclough and Susan J. White (*Journal*, 132, 279-82) p. 277, 1st column, line 10 should read:

$$\frac{\text{seasonal \% variance}}{\text{random \% variance}} \times \frac{c}{\text{mean value}}$$

p. 277, Table III, line 4 of results should read:

E980-989 .. % variance 2.7 0 0.9 5.8 0 2.4