

Rex v. Arnold (1724)

Nature: Criminal responsibility

Facts: On August 28, 1724, Lord Onslow had been out with a gentleman on a hunting fox-chase. Edward Arnold was observed coming towards them with his gun cocked and the muzzle pointing toward Lord Onslow. The Lord asked him what he was doing, but Mr. Arnold did not respond. Rather, he took a few steps, turned back, took aim, shot, and wounded the Lord. He was so close that the shot struck him off his horse. The matter was brought to trial to determine if Mr. Arnold was guilty of the crime or exempt from punishment due to lunacy.

Procedure: During the proceedings, it was proved “beyond all matter of contradiction” that Mr. Arnold intentionally did, in fact shoot the Lord. The question pertained to whether or not he was capable of “malicious design” and whether he “hath the use of his reason or sense.” During testimony, the court presented evidence regarding Mr. Arnold’s mental state and actions surrounding the shooting. Evidence indicated that on the morning of the shooting, Mr. Arnold went to the house of one Mr. Smith, had a quarter of a pound of powder, and a pound of shot larger than he typically had to shoot rabbits. He was seen discharging his gun prior to the shooting in order to secure his next shot would go off. When asked if he was going hunting, Mr. Arnold stated, “Lord Onslow was an enemy to his country; and if he could meet him he would shoot him.” A few minutes later, he came upon the Lord and shot him. About his mental state, several of Mr. Arnold’s family members testified that he was a “madman.” They noted he would often talk to himself and “break into passions of cursing and swearing, without any provocation....and burst into foolish laughter, and grin like a madman.” His family additionally testified that, on July 10th, Mr. Arnold stated “My Lord Onslow hath bewitched me; he plagues me day and night; I can’t eat or drink; if I eat anything it comes up. I am as if they pumped the breath out of my body.” The jury was asked to consider the evidence presented from both sides in order to determine whether Mr. Arnold was “deprived of his reason” and “exempt from punishment.”

Issue: Was Mr. Arnold a man who knew what he was doing, and was he able to distinguish whether he was doing good or evil?

Holding and Rationale: In determining a verdict, the jury was urged to consider the following: in order to be exempt from punishment “It must be a man that is totally deprived of his understanding and memory, and doth not know what he is doing, no more than an infant, than a brute, or a wild beast, such a one is never the object of punishment.” However, if they believed he “was sensible and had the use of his reason, and understood what he did, then he is not within the exemptions of the law, but is subject to punishment as any other person.”