at the seat of contre-coup, which, from a careful consideration of the direction of the blow, was probably localised in the upper surface of the left anterior lobe and the adjacent parts of the motor area.

The toxic effect of the alcohol acting on this contused area may be presumed to have caused the epileptic attacks; the mental symptoms were probably due to hyperæmia of the same areas, the local loss of vascular control being further evidenced by the difficulty in going to sleep and by the recurrence of headache on excitation of the circulation.

The recovery was chiefly due to the excessively good nutritional and reparative powers of the individual. In a less healthy person, or under unfavourable circumstances, it would not be difficult to imagine a chronic degenerative process developing from an injury attended with such symptoms.

OCCASIONAL NOTES OF THE QUARTER.

The Lunacy Laws.

There is apparently no subject in the present day upon which more seems able to be said and written, or about which the public appears to have less exact knowledge, than that of the Lunacy Laws.

It is so easy to talk glibly about danger to the liberty of the subject, and so difficult to guard against the license into which that too often degenerates.

So much feeling is imported into each discussion when the periodical recrudescence in the public mind on this question occurs, that a temperate and reasonable discussion of it becomes almost impossible. While the supposed heinousness and danger of the Lunacy Laws are set in the light by the interested or the ignorant, there seems to arise a conviction that whatever is must be wrong, and the dangers to society of delay in treatment, and the risks of reliance upon the apparent harmlessness of mild forms of insanity, are temporarily relegated to an obscurity, out of which they too often have a rude resurrection.

While no well-informed person doubts that the Lunacy Laws are capable of improvement, and that personal liberty needs to be hedged about by every safeguard with which the law and public opinion can environ it, so no one should fail to remember that society has a right to be protected, not only from gross

crime and its consequences, but also from minor evils which insanity in certain phases has a special faculty of originating.

The whole subject is one of extreme delicacy and difficulty, and needs to be handled, not by emotional legislation which can only make matters far worse than the worst which is now possible, but by the deliberate judgment of competent persons who possess both the knowledge and the capacity to deal with the matter in the best interests of all who are or may be concerned, in other words, of society in general, and not of a section of it only. It is easy to apply derogatory adjectives to the members of our specialty and of our profession generally, and to accuse them of inferiority, dishonesty, or heartless conspiracy. But it would be at least fair to withhold accusation until more or less general dereliction has been proved, and to assume that a class of persons is innocent until it has, in some measure at least, been proved to be guilty.

Amid all the heat of discussion two facts should, we think, be borne in mind—the first that a Select Committee of the House of Commons, after an exhaustive enquiry as to the operation of the Lunacy Laws, have reported that they were unable to detect any instance of *mala fides* in their administration, and the second that there is probably no medical man who would not welcome such alterations therein as should deprive him of a responsibility towards the public which brings with it but little gain, no honour, and a liability to serious annoyance, vexation, and loss.

Just before the last number of this Journal went to press, a discussion occurred in the House of Lords with reference to the Lunacy Laws, which it may be well to reproduce here as showing not only the crude views which are entertained upon this subject in some quarters, but the sober convictions of an experience as varied and extended as that of Lord Shaftesbury, whose whole career has borne witness to an honesty which is beyond suspicion, and an earnest and practical hostility to oppression and wrong in whatever form they might be contemplated, which must give his words unusual force.

The following report appeared in the daily papers of the 6th May :—

HOUSE OF LORDS.

THE LUNACY LAWS.

The Earl of Milltown rose to call attention to the observations made by Mr. Baron Huddleston in the case of "Weldon v. Winslow," and to move "that in the opinion of this House the existing state of

the Lunacy Laws is eminently unsatisfactory, and constitutes a serious danger to the liberty of the subject." The noble Earl proceeded to quote from a summary of the facts of this case published in *The Times*. He would abstain from commenting on the merits of a case which was still *sub judice*, but he might be permitted to quote the opinions of Judges on the present condition of our Lunacy Laws. The noble Earl then read copious extracts from *The Times* reports of the judgments of Mr. Baron Huddleston on the trial, and of Mr. Justice Manisty on the application for a new trial. The Lunacy Laws of this country consisted chiefly of the statutes 8 and 9 Vict., chap. 100, and 16 and 17 Vict., chap. 96. Lunatics were in the eye of the law divided into two classes, paupers and non-paupers. The former class did not merely include paupers in the strict sense of the term, but a constable or relieving officer might arrest anyone found wandering abroad and bring him before a justice of the peace, and on the certificate of one medical man and the warrant of justices, for whose competence there was no guarantee, such a person might be incarcerated for life. Thus any one of their Lordships might be confined for life in that manner as a pauper lunatic. But if the lunatic was found to possess means, he was transferred to a licensed house. In the case of a non-pauper the certificate of two medical men was required. There were in this country 68,000 pauper lunatics and 7,000 non-pauper lunatics. The state of the law was positively startling. Any person who could obtain certificates from any two out of the 20,000 medical practitioners on the register could consign any other person to incarceration in a madhouse, while no private person could obtain the release of such incarcerated individual without the consent either of the person who brought the incarceration about, or of the Lunacy Commissioners. Moreover, no criminal prosecution could be instituted for breach of the Lunacy Laws except by the Commissioners in Lunacy. The necessary certificate could be signed by any medical practitioner who had seen the patient for a single moment, and from his decision there was practically no appeal. In case of even gross cruelty being practised upon the patient, the police could not interfere because the order of the Commissioners was a sufficient warrant for everything that was done in the matter. In regard to the practice of keeping lunatics in private asylums, kept simply for profit, the whole system had been described by the noble Earl below him (the Earl of Shaftesbury) as utterly abominable and indefensible, and it certainly was one which ought not to exist in this age and country. He trusted an end would be put to the present intolerable state of things, and that a most damning blot would be removed from the Statute-Book (hear, hear). He concluded by moving the resolution of which he had given notice.

The Earl of Shaftesbury said their Lordships would at once perceive that his reply must be somewhat prolonged, so many were the details and charges made by the noble Earl who had just sat down (the Earl

of Milltown). Had he (the Earl of Shaftesbury) not been on the Commission in Lunacy for more than 50 years, first as Acting Chairman, and since 1845 as Permanent Chairman, he would not have interposed; but he thought it necessary, and almost a point of duty, to explain the state of things and calm the public mind. The special case of Mrs. Weldon could not then be discussed, as the matter was still *sub judice*. The lady had moved for, and had obtained, a new trial; and nothing at present could be said on the question. He wished, however, to state that the affair had never come before the Commissioners—their jurisdiction did not begin until a patient had been lodged within the walls of some licensed house. Neither did he know anything of the case, except what he had gathered from the newspapers; but it certainly had struck him that, if the evidence had been no stronger on the certificate, had one been sent to their office, than that which appeared only in general rumour, he, at least, should have been disposed to set the lady at liberty. But the *obiter dictum* of Baron Huddleston might come under observation. It was as follows, and taken from *The Standard*, 19th March, 1884:—

> Now, I say distinctly, I wish I could treat this case apart from all technicality; but I must express my astonishment that such a state of things can exist, that an order can be made by anybody on the statement of anybody, and that two gentlemen, if they have only obtained a diploma, provided they examine a patient separately, and are not related to keepers of a lunatic asylum, and that on this form being gone through, any person can be committed to a lunatic asylum. It is somewhat startling—it is positively shocking—that if a pauper, or, as Mrs. Weldon put it, a crossing-sweeper, should sign an order, and another crossing-sweeper should make a statement, and that then two medical men, who had never had a day's practice in their lives, should for a small sum of money grant their certificates, a person may be lodged in a private lunatic asylum, and that this order and the statement, and these certificates, are a perfect answer to any action.

Now, he was certain that if the learned Baron had known the law, or had read the Report of the Committee of the House of Commons printed in 1878, he would never have made such an observation. First, he spoke, after a very invidious fashion, of any two gentlemen who had obtained a diploma. His Lordship should have remembered that, by the amending Lunacy Act of 1862, the qualifications of those who were empowered to grant certificates were very stringent. It is said that the term physician, surgeon, or apothecary, whenever used in the Lunacy Acts, should mean a person registered under the Medical Act of 1858; a person, therefore, of adequate professional fitness. He added, equally invidiously, that they might never have had a day's practice—possibly, though not probably—and, indeed, were practice in lunacy required as a qualification, we should not find one in 10,000 of the Medical Profession at present masters in the art. He closed by an assertion that these certificates were a perfect answer to any action. Where had the learned Baron found this law? Had he never heard of the case tried in the Courts of "Hall v. Semple,"

in which Mr. Hall, a liberated patient, prosecuted Dr. Semple for negligence in framing the certificate, and obtained damages to the amount of £150? There was a similar power against the person who signed an order of admission. Three years ago, the case of "Noel v. Williams" had been tried in Court. Mr. Noel, a discharged patient, sued his brother-in-law, Mr. Williams, who had signed the order; and though Mr. Williams obtained a verdict on every point, he had to bear the expenses of his defence, a sum which amounted to not less than £3,000. As to the order, he (the Earl of Shaftesbury) admitted that it was a weak point; theoretically, it was, no doubt, imperfect, though practically it had worked without any evil results. The history might be stated from his own evidence given in 1877—

> With regard to the orders, I understood your Lordship to agree that it is in some respects undesirable that a person, a perfect stranger to a patient, should sign the order; do not you think that where there is a case, and no near relative is to be found to sign the order, it would be desirable that the order for admission should be signed by some public official? I believe I explained the reason of the state of the order to be this—In the year 1845, when we were framing the Bill, we were exceedingly puzzled as to what to do, so many cases had come before us of persons being suddenly seized in hotels, in lodging-houses, in mere apartments where there was nobody who knew whence they came or whither they were going; they were foreigners, Americans, medical students and law students, and all sorts and sizes of people, travellers only resting for a night, and we were obliged to leave it in that way that any person might sign the order for admission into any asylum. I have no doubt, but I do not recollect it, that we saw it was very imperfect, and that we intended to amend it, but we forgot it; and so little abuse arose upon it, and so very few bad cases came before us, that we totally forgot the matter.

Here, again, the learned Baron had put the case most invidiously. A crossing-sweeper, he said, might be called to sign an order of admission into a lunatic asylum. Well, but there were things so utterly improbable as to amount almost to impossibilities. The Queen might make a crossing-sweeper a Duke, and give him a seat in their Lordships' House; but did any of their Lordships fear such an issue? It was a weak point, no doubt, and required amendment; but in nearly 40 years there had been no complaint, and probably not one in 500 orders had been signed by any but some relative or friend. All this was before the Committees of 1859 and 1877, and they had not taken the formidable view of the learned Baron. They had accepted many of the propositions of the Commissioners, and had added some of their own, which were then wanting in enactment. And here he might add, in reply to the assertion of the noble Earl opposite, that the order could inflict perpetual confinement, that the Commissioners could, if they saw fit, set aside the order. But let their Lordships then consider the ominous announcement of the noble Earl, that the state of the Lunacy Laws constituted a serious danger to the liberty of the subject. The two Committees of 1859 and 1877 had come to no

such conclusion; on the contrary, they had rejoiced in the many and vast improvements. How could they have feared for the liberty of the subject in the face of such a statement as that he had made before them? From 1859 to 1877 there had passed through the office of the Commissioners 185,000 certificates. Of these, some six or seven had demanded the attention of the Select Committee of the House of Commons; but all, upon investigation, were found to be just and good. During the same interval there had been 90,000 liberations, of which 22,000 were from licensed houses. The Returns up to the present day were equally satisfactory, a sufficient refutation of the common assertion that persons thrust into private asylums would never get out. There were, he believed, fewer cases of mistake in placing patients under care and treatment than of miscarriages of justice in Courts of Law. The noble Earl ought, in candour, to have quoted that part of the Report in which the Select Committee had spoken of the vast and beneficial progress made in the treatment of lunacy. It was as follows:—

> The Committee cannot avoid observing here that the jealousy with which the treatment of lunatics is watched at the present day, and the comparatively trifling nature of the abuses alleged, present a remarkable contrast to the horrible cruelty with which asylums were too frequently conducted less than half a century ago, to the apathy with which the exposure of such atrocities by successive Committees of this House was received, both by Parliament and the country, and to the difficulty with which remedial enactments were carried through the Legislature, while society viewed with indifference the probability of sane people being in many cases, confined as lunatics, acquiesced in the treatment of lunatics as if they were outside the pale of humanity, and would have scarcely considered a proposal to substitute for chains and ill-usage the absence of restraint, the occupation and amusement, which may be said to be the universal characteristics of the system in this country at the present day.

And, again, they said—

> Assuming that the strongest cases against the present system were brought before them, allegations of *mala fides* were not substantiated.

He could assure their Lordships, from long observation, dating back more than 50 years, that it would require much time, and much power of description, to set before them the state of degradation and suffering in which lunatics were found by the inquiry that commenced in 1828. Manacles and leg-locks were in universal use—many were chained to the wall, almost all in filth, disorder and semi-starvation. He mentioned all this to show that great and good things had been done under the existing Lunacy Laws; and that some gratitude was due to God for having given the will and the power to raise them from such misery. Now, he did not mean to say that perfection had been reached—very far from it; but he urged their Lordships to proceed with care and caution, following experience, and the discoveries of science, and not preceding them by hasty legislation, which might

throw them back to the condition of half-a-century ago. But while they were considering, and jealously guarding the liberty of the subject, they must also consider the value and necessity of early treatment of insanity. On one point there was, it might be asserted, a consensus of opinion among all medical men, and, indeed, laymen, who had studied the question. Quotations of evidence to that effect might be multiplied, almost without limit. Dr. Sutherland maintained that if cases were taken at the very commencement of the disorder, full 85 per cent. might be cured. Dr. Conolly stated certainly not less than 50 per cent.; but the whole might be summed up in a most valuable extract from the Report of Mr. Ley, the Medical Superintendent of the great County Asylum at Prestwich, in Lancashire —

"The total number," said Mr. Ley, speaking of a particular year, "of curable cases in the 446 admissions was 209; 113 of these have been sent out recovered, and, in all probability, 70 more will be discharged during the current year. Eighty-nine per cent. of the total recoveries occurred in those who were admitted while the attack was yet recent; only 11 per cent. are from those who were allowed to remain without proper treatment for a long time after the malady had declared itself. The duration of residence in these recoveries varied from four weeks to twelve years, the average duration being much augmented by the recovery of some few who had resided in the asylum above a year."

This was his summing up, and this was the summing up of every medical man he knew.

"These results," Mr. Ley continued, "prove what has so often been urged before, that insanity in its early stages is as curable a disease as any other in the catalogue of human disorders."

The evidence from America was abundant and equally decided. Though he would not add anything to the law to give facilities for the shutting up of persons under the charge of insanity, so fearful was he of the possibility of error, he would do nothing to diminish them. He spoke in the interest of the patient, for whom a cure thus became comparatively easy, and in the interest of the world at large also, who had a deep concern in the abatement of that terrible disorder. The impediments were grave and numerous already—the reluctance of parents and relatives to see, and then believe, the first symptoms of a disturbed intellect; the serious step of consulting a medical man on the point, even though he were the physician of the family; the fear lest anything should transpire, and the public be admitted in any way to the sad secret: all these feelings postponed the final decision, until by long continuance the affection had become almost hopelessly confirmed. If, then, that repugnance existed under the present system, what would it amount to were the magistrate called in or a jury summoned, who never allowed anyone to be mad unless he had committed some overt act whereby the disorder was proved to be nearly inveter-

ate? Here the pauper had a great advantage over the class above him. He was taken to the asylum in the first stage of his affliction, and hence the public asylums claimed the superiority in the number of cures. Certainly, the tables showed that it was so, though, perhaps, by reason of the very early discharge, there were many cases of relapse. Too long detention after cure had been urged against the licensed houses. In former days it might have been so, but by no means always with a bad motive. He did not believe that many such cases could occur in the present day. He did not deny the difficulty —he might say the perilous difficulty in attempting to undertake early treatment—of discerning between a transient eccentricity of habit, manner or temper and the slight symptoms of incipient mental disturbance. An error on either side was deeply injurious. The error which led to the confinement of the patient might inflict, though the patient was speedily removed, the taint of supposed insanity; but the error which denied the necessity of it might inflict a greater harm, and fix on the patient the malady for ever. It demanded almost superhuman sagacity, and showed how necessary it was to be cautious, to avoid hasty legislation, and await the further developments of that important branch of science. He feared that all the proposed enactments that tended to increase publicity, and render impossible that amount of privacy that was naturally and justifiably demanded in these delicate matters, would tend to a vastly extended system of clandestine confinement. Single patients, as they were called, were persons living alone under restraint, and committed to the charge of a doctor, a clergyman, or an attendant. Where two or more, being lunatics, resided under the same roof, the law required that a license should be taken out; where only one, a certificate. There was great difficulty in the discovery of such cases; many of them were put out on the false plea that they were nervous, not lunatic, patients, and, therefore, not subject to the law. Evidence of their existence reached them in a variety of ways; and on such evidence, if sufficient, an application was made to the Lord Chancellor for a power to visit the house. The Commissioners, in 1862, had visited 161 single patients; but in 1884, they had visited 449, an increase in 20 years of 288. How many more there might be he could not say, so secret were they, and so scattered over the whole country. It had been asked in the House of Commons whether it were not true that many were sent abroad? On that point the Commissioners could give no information. Now, the state of these single patients demanded the utmost thought and attention. Care and inspection, it was true, had greatly mitigated their lot; but the peculiarity of the circumstances exposed them, on the slightest relaxation of vigilance, to a return of all the evils and oppressions of former days. The condition of these sufferers had, in former days, been most deplorable; their treatment might have varied according to the position and character of those who had

charge of them; but, in the great bulk of the cases, it was, beyond doubt, fearfully oppressive. He had it on the personal testimony of those who had endured the solitary incarceration. One lady asserted that she was frequently strapped down on her bed for 24 hours, while her nurse went out on a junket; a gentleman had assured him that he had endured the same, and showed the scars on his legs made by the cords wherewith he was confined. If visited, these poor people had then but small relief; they had none to bear witness to their testimony; and every statement they made was attributed by the attendant to mental wandering. Now, then, these patients were singularly unhappy; for, in houses where many patients were received, any one patient had the supporting evidence of his fellows; for, though the testimony of a patient in respect of himself was oftentimes very questionable, the testimony of patients in respect of others was very good, and had oftentimes been received in Courts of Justice. He had said more than once, and he repeated it, that were anyone of his own family visited by that sad affliction, he would infinitely prefer to consign him or her to a licensed establishment than to the care and treatment of a single custodian. Their Lordships would easily perceive that the temptations, the payments being oftentimes very high, and the facilities for long detention and delay of cure, must, under such a system, be very great. The last point on which the noble Earl opposite had commented was on the principle, character, and condition of private asylums, or, as they were properly denominated, licensed houses. The noble Earl had quoted some strong passages given in evidence by him (the Earl of Shaftesbury) before the Committee of the House of Commons in 1859. Now, he did not vary, in principle, one hair's breadth from what he stated at that period; and the noble Earl would have done well to have given his explanatory evidence in 1877. It was as follows:—

Your Lordship said, in answer to the honourable Member for Mid-Surrey, last Thursday, Question 11,449, that it was a notion prevailing in many minds that the principle of profit in regard to the treatment and maintenance of lunatics in private asylums should be eliminated—Yes; it should be, if possible, no doubt. If I recollect the Question put to me by the Right Honourable Chairman, it was as to the establishment of hospitals, and I answered that I thought it would be a good principle to make the hospital system the basis of the system for the reception of patients of all kinds, but that I should be very sorry to do anything that should go to the total prohibition of licensed houses; because, though I believe the operation of the hospital system might probably tend very much to reduce the number of licensed houses, I had strong conviction that those that survived would be of the very highest character. It is absolutely necessary we should have some licensed houses, because many have a particular taste that way, and because there is a form of treatment there that you never could have in any public asylum. You say you are ready to admit it is a notion that prevails in the minds of a great many people, but the sooner that is eliminated the better?—Yes, no doubt. That idea has grown up from evidence given to the public mind, and not often from personal knowledge?—Yes; and I judge of it from

conversation, and from what I read, and what I hear. I know that that feeling does prevail in the public mind, and naturally enough. I do not blame the public for it; and, indeed, I very much praise the public jealously upon the subject. Perhaps your Lordship remembers the evidence you gave in 1859, in which you condemned the vicious principle of profit, as you called it, perhaps more strongly than anybody else?—Yes; I condemned it very strongly, and I condemn it nearly as strongly now; and, therefore, I want to put as great a limit upon it as I possibly can. Your Lordship has modified your views upon this subject?—Yes; to this extent—the licensed houses are in a far better condition than they were in every possible respect; but I have said, and I wish to repeat, that if we were to relax our vigilance the whole thing, in every form of establishment, would go back to its former level.

The Committee of 1878 had reported that the permitted continuance or discontinuance of licensed houses must be left to public opinion; and it was certainly remarkable that, though there were perpetual expressions of dislike and fear of such receptacles, no steps were ever taken, or even proposed, to provide substitutes. Since 1859, hospitals had not increased in number; two had been added; but that was only apparently so, those two having come into separate existence by disconnection from the asylums of Gloucester and Nottingham. Nevertheless, the feeling of the country would continue, he doubted not, to prevail in favour of the public principle, which, when established, would require, he could assure their Lordships, no small amount of care and supervision. In illustration of what he had said, he might put before their Lordships the present state of private and hospital accommodation. The licensed houses amounted, in all, to 97; 35 in the Metropolis, and 62 in the Provinces. The hospitals for lunatics proper were 13; for idiots, 2. The increase of licensed houses in the Metropolis since 1859 was 1; the decrease of provincial houses in same time, 15; but that might be accounted for by their greater size. The inmates in hospitals were 3,146; in licensed houses, 4,779; making a total of 7,925. Of that total, 1,398 were paupers, leaving thus, of paying patients, 6,527. He could not conclude without recalling their Lordships' attention to the vast, he might say the blessed, improvements, made in the custody and cure of the insane, an answer, in itself, to many reckless and ignorant charges. Let them only consider the present treatment of the pauper lunatic. They had often seen, no doubt, those palatial buildings, the public asylums, erected solely for the poor. Every mode of a physical or moral character was resorted to for the charge and cure of these unfortunate beings. Their diet, their apparel, their residential comforts, were of the best quality. Their amusements were not forgotten; and occupation, adapted to their line of life, was regarded as among the most remedial processes. The women were engaged in employments of all kinds suited to their sex, and agriculture was esteemed so beneficial to the men, that land to the extent of 200 or 300 acres was assigned to many of the provincial asylums. All was minutely and carefully visited by constituted

authorities, as he would show by the statement which followed. It exhibited not the maximum, but the minimum, of the visitations—

Public Asylums, County and Borough.	Two or more of Committee of Visitors. Two Commissioners in Lunacy.	Once at least every two months. Once a year at least.
Hospital.	Members of Committee of Management. Two Commissioners.	Various—according to Regulations approved by Secretary of State—generally once a month. Once a year at least. Twice of late years, by special Resolution of Board.
Private Provincial Licensed House.	Two Visitors at least, one to be Medical. One Visitor. Two Commissioners.	Four times a year. Twice a year ("Single Visits"). Twice a year.
Metropolitan Licensed House.	Two Professional Commissioners. Any one Commissioner.	Four times a year. Twice a year.

All this had been effected by degrees, by the results of observation, by the applications of experience. The contrast between 1828 and 1884 was well nigh incredible. All they required was care and caution, and that legislation should follow, and not precede, the guidance of practical science. But the appeal for such caution was met by hasty and nervous agitation. They had reason on their side, but it was encountered by nothing but expressions of fear. While of all the maladies that afflicted mankind, none were so intricate and appalling as those which disturbed his reasoning faculties, there were none upon which the public at large were more prompt to give an opinion, and enforce a remedy. He could only again and again implore the deepest and most serious consideration on such a subject. They were now in a far better state of hope for progress in scientific knowledge. A large Association of intelligent and right-hearted men had come into existence, formed of the superintendents of the great asylums and others who gave their time and their minds to that important study. They had their conferences, their meetings, their periodicals, and interchange of thought and inquiry. The services of these gentlemen were priceless—every day added something to the stock of facts, and on facts alone could treatment advance. He trusted that by investigation and patience they would be able, by God's blessing, to arrive at some alleviation, if not a full remedy, for the most mysterious affliction that had been permitted to fall on the human race.

Lord Coleridge pointed out that the resolution was of a somewhat

abstract character, and remarked that in that House, as elsewhere, debates on such resolutions were likely to be in some sense debates in the air. Nevertheless, because he had had a good deal of experience of cases connected with the subject, and very much also in consequence of the speech of the noble Earl who had just spoken, he would say a very few words. The resolution had reference not to the profoundly interesting question of lunacy itself, but simply to the practical administration of the laws affecting the detention of persons supposed to be lunatics. The system administered in this country owed its origin to the noble Earl who had last sat down, and it was difficult for anyone who had not arrived at his age to adequately comprehend the enormous improvement made by the measures of 1845 and 1853 in the system, if system it could be called, which was in existence before that time. For that great improvement he believed we were mainly indebted to the noble Earl opposite. But 1853 was more than 30 years ago, and it was no discredit to the noble Earl to say that the experience of 30 years might have taught us that in that system there was a good deal to be amended. In many cases the system, though excellent on paper, broke down in practice. In the great majority of cases it was absolutely clear to the intelligence of any ordinary person who was moderately acquainted with the matter that the individuals confined were insane; and in another large class of cases it was equally clear that the persons whom it was proposed to confine were not insane. It was on the dividing line that the real difficulty arose, and then the system, though excellent on paper, broke down. If we could, as in France, deal with a man's property by means of a family council, there would be very little to be said, but in this country no such system existed. For the reason that here it was a question of personal liberty, it was extremely important that care should be taken that the system by which persons were incarcerated should be watched with the severest jealousy. His noble friend had probably misunderstood the judgment of the learned Baron, who must have known that though a certificate was a defence to the keeper of the asylum, it was no protection to those who had set the doctors in motion. He had himself known of ten or a dozen cases at least where the system had broken down. In some of these cases persons who were not insane had been imprisoned, while in others insane persons had been so outrageously treated that juries would have been with difficulty prevented from giving verdicts against the persons who set the law in motion. He recollected that in a case that came before himself it was shown that a person had been committed to a private lunatic asylum on certificates of medical men who were interested in the asylum, and that, although the man had been afterwards formally discharged under their certificates, he had been re-arrested within ten minutes afterwards on others. He had no doubt that in that case, however, the person confined was a fit subject for confinement. The jury who had tried the case were naturally indignant with a state of the law which allowed such

proceedings. His experience with regard to private lunatic asylums had not been a happy one. It was unfortunately the case that medical men possessing the highest minds did not devote themselves to this particular class of disease, and, moreover, it was repugnant to such men to mix themselves up with a system which combined commerce and trade with their profession. In his opinion it should never be the interest of the keepers of private lunatic asylums to retard a cure (hear, hear). It was unfortunately the fact, as had been shown by the statistics referred to by the noble Earl, that the percentage of cures effected in the county lunatic asylums was far larger than that which was effected in private lunatic asylums. In the former it was clear that it was not the object of any one to retain a patient longer than was absolutely necessary, because the maintenance of such a patient was a matter of cost and not of profit, whereas in a private lunatic asylum the interest was the other way. He could only say that his experience led him to believe that it was unwise to hold out inducements to the keepers of private lunatic asylums to retain their patients as long as they could (hear, hear.) It had been said in reference to this class of disease that a medical man would have just as much reason to effect a cure speedily as in the case of any other class of disease; but it must be remembered that the inducement was not the same, because such cases were not likely to be talked about among the friends of the patient.

The Lord Chancellor said that if he asked their Lordships not to agree with the motion of the noble Lord it was not because he thought that the Lunacy Laws were not capable of improvement or amendment, for such was not the opinion of the noble Earl at the head of the Lunacy Commission nor of those who had investigated the subject, but because he thought it would be very unwise on a subject of so much importance and difficulty to pass a resolution condemning too severely the existing system of the Lunacy Law as being eminently unsatisfactory. He fully admitted that there were many things in our Lunacy Law which were not as satisfactory as they might be, but he was sure that their Lordships would be most anxious to preserve an equally balanced mind in dealing with a subject of such difficulty and importance and not run the risk of defeating a salutary object for the sake of obviating conceivable and possible, but in his opinion highly theoretical, dangers. It must be remembered in the first place that the Lunacy Laws were meant for lunatics and not for sane people, and that they must be such as were calculated to deal wisely and properly with the lamentable fact that there were at all times a large number of persons requiring treatment for mental diseases. When the Commissioners made their report in 1878 there were over 66,000 lunatics, and it was probable that at the present time that number had increased. These unhappy persons must be dealt with, not only for their own sakes, but for the sake of the community at large—for their own sakes in order that they might be cured, and might not become

the prey of designing persons, and for the sake of the community that they might not, being at large, become dangerous to other persons as well as to themselves. In these circumstances, wise and proper laws, humanely administered, are necessary as safeguards by which the safety of lunatics and of the community at large could alone be secured. Looking to the result of every public investigation which this matter had received, and especially to the last careful examination in 1878, he thought it was too much to say that the proportion of cases in which there was any reason to suppose that abuses took place was infinitesimally small in comparison with the cases in which the present law had been properly administered. It had been said that there was too dangerous a facility for bringing persons into confinement as lunatics who might not be so, and that under the existing system, there was a temptation to persons who had an interest in doing so to retain them. There might be persons who wished to shut up their relatives without sufficient grounds for doing so, and such persons might be able to find two medical practitioners to assist them by giving certificates of lunacy. These were undoubtedly points requiring careful attention, and as to which every safeguard which did not go too far in the opposite direction ought to be adopted. It should be remembered that some of the cases which were investigated by the Lunacy Commissioners were absolute breaches of the law, and no system of law, however good, would prevent persons from committing a breach of it. It was worth while to consider whether it was not possible to amend the present law, and so diminish the probability of abuse in its administration, without throwing too great an impediment in the way of a proper administration of the legislation on the subject generally. The Commissioners, in their report of 1878, showed the system in operation in Scotland of what were called emergency certificates, and suggested an amendment in the law in that direction, and without binding himself to those suggestions in every detail, he thought that some amendment in that direction was worthy of consideration. In the meantime it must not be forgotten that there were checks and safeguards under the present system—medical certificates and visitations, both by the Lunacy Commissioners, and by Visitors appointed by the Court of Chancery, none of whom had personal or pecuniary interest in the cases which they had to visit and inquire into (hear, hear.) Careful reports were made, and in any case to which special attention was called these reports were inquired into. He thought everything that could possibly be done was done by the visits of the Commissioners and the Visitors. He had frequently seen letters from unfortunate patients, in which they stated their own views of their own cases; and he always desired, where the matter justified it, special reference to be made by the Visitors in such cases, and he was bound to say that the letters themselves contained, as a rule, internal evidence of some unsoundness of mind, and, in some cases, where they were not satisfied, further inquiry showed

that, although the unfortunate persons were capable of acting and writing like sane persons, yet, at other times, not only were they of unsound mind, but positively dangerous. With regard to private asylums, to which the noble Lord (Coleridge) referred in terms which he should not controvert, but which he could not corroborate, because he had little knowledge, still some of them, and not a few, were conducted by men of the highest character. He was sure the noble Lord must feel that the subject was one of the most difficult character. The decision at which the Committee of 1878 arrived was that the matter had better be left to the spontaneous action of the public. Some thought these private asylums should be immediately abolished, and others thought that they met an acknowledged want, and so forth. The matter was very much debated, and a Bill by Mr. Dillwyn was passed in the other House, but it failed to pass through their Lordships' House. Another member of the House of Commons moved a resolution that all lunatics should be brought under the care of the State, and that was rejected by a large majority. There were circumstances which could not be left out of consideration. Those lunatics who had considerable property were entitled to have their comfort provided for as far as possible. They must be put into the care of some persons, whether they kept licensed houses or not, to whom the expenditure must be entrusted. The inquiry which had been held by the Committee showed that no serious abuses existed, and he must say that their hearty thanks were due to the noble Earl (Shaftesbury), his colleagues, and also the Visitors, for their great labours (hear, hear). They provided the most effective safeguards that could be devised. He would not dwell on the safeguards, but he should undertake, on the part of the Government, if they continued to possess the confidence of Parliament, that in another session they would bring forward a Bill, of which the object would be to consolidate the existing law with such improvements as were recommended by the Committee of 1878, and others which might occur to them as advisable. He hoped, under the circumstances, the noble Earl would not divide the House on his motion.

The Marquis of Salisbury thought that, after the announcement just made, his noble friend would consider that the useful objects of his motion had been attained, and would not press it to a division. The debate to which the motion had given rise was of a very valuable character, and he did not think the existing Lunacy Laws would survive the blow they had received from the noble and learned Lord opposite. The subject was one which was extremely difficult, but he thought every one who had listened would agree that the securities for the liberty of the subject under the Lunacy Laws were very much less than were granted in every other part of the law of England. It was said that they must make lunacy laws for lunatics. That was all very well, but the very gist of the complaint was that occasionally sane people were detained. There were two classes of very obvious

motives. There were people who would want for their own motives to get rid of relatives whom they might find inconvenient, and whose property they might desire to secure. Motives of that kind were familiar in fiction, but he feared that they were not altogether strange in real life. On the other hand, there was a strong motive in the keeper of a private asylum to keep wealthy patients, showing a tendency to recover, on account of the rich harvest of profits. These were very great and strong influences. What facilities did the law give them? As far as the initial stages of confining lunatics were concerned, it seemed to him the law was no security (hear, hear). Any person, no matter how deep an interest he might have in shutting you up, had a right to take any two doctors he could find, no matter how obscure, and get an order to shut you up. Who could say there was any security in the initial stages? The whole defence of the present system lay in the inspection conducted by the Lunacy Commissioners, who had certainly acted with very great assiduity and success. He entirely agreed with the noble Earl as to the great debt of gratitude they all owed to the noble Earl the First Commissioner and those who worked with him—it was impossible to exaggerate the debt the country owed to him in his conduct of that difficult and thorny part of the law (hear, hear)—but the older guardians of English liberty would have been startled had they been told that a man's liberty was entirely dependent on the vigilance of a department. The great defect in the administration of these laws was the absence of publicity. If the doctor had to go before the magistrate, or the inspection of the Commissioners was so public that any one concerned could witness what was done, then there would be an adequate security for that liberty which now entirely rested upon the high administrative and moral qualities shown by his noble friend and his colleagues. Under these circumstances no one would say that the state of the law was satisfactory when that was the sole defence for its present state, and the motive for abusing the law was sometimes so strong. It might be said that if this publicity were insisted upon the necessary result would be that the feelings of families would in many cases lead to clandestine imprisonments taking place. He considered that the noble Earl had made out his case, and shown that the state of the law was not satisfactory. On the other hand, after his noble friend's declaration that legislation would be proposed by the Government, he thought the motion might properly be withdrawn (hear, hear).

After a few words from Lord Stanley of Alderley,

The Earl of Milltown, in view of the proposal of the Government to introduce legislation at a future date, agreed to withdraw his motion. His object had been more than gained by the discussion that had taken place and by the promise he had obtained from the Government. He was still of opinion that the arguments in favour of his motion were unanswerable.

The motion was then withdrawn.

The above is a fair specimen of the discussions which from time to time arise in Parliament and the country with reference to this vexed question.

Public servants of whatever class ought not to object to reasonable criticism upon their acts, and the members of the medical profession practising our speciality are, we believe, no more thin-skinned than the members of other professions, or other members of our own. But we certainly think we have a right to ask that we may be generally credited with ordinary honesty and integrity such as would be presumed to belong to persons to whom the most important interests are entrusted in other departments of our profession, in relation to the treatment of patients, the care of the public health, and the discharge of medico-social and medico-political duties.

Upon many occasions on which the honour of our profession, in its relation to the subject of insanity, has been called in question, we have had an earnest and powerful advocate in Lord Shaftesbury, as upon this occasion; and we desire to express to him, on behalf of the Association which this Journal represents, and of the members of our profession who are engaged in the practice of lunacy, our grateful acknowledgement of his kind, and intelligent advocacy.

The public interest has been largely excited, and the preceding observations have some of them received a remarkable illustration by recent proceedings in the Law Courts. These proceedings and their results show conclusively how widely even skilled opinions may differ on questions of lunacy-law interpretation, and how a great need consequently exists for at least such codification and explanation of the existing statutes as shall enable those who are bound by, and have to act under, them to keep themselves well within the lines of legality and safety. They certainly also accentuate, in a very unmistakable manner the dangers and liabilities under which certifying medical men perform functions which are imposed upon them by the public, practically without their having any power of repudiation or means of protection.

It may be that the evidence produced at the recent trials showed that there had been a less strict compliance with the provisions of the law than there should have been, or there may be other deductions to be drawn from it. But the result certainly seems to have demonstrated the necessity of a demand being made by the medical profession generally, either that the duty of signing certificates of insanity shall be taken from them and transferred to other hands, or that they

shall, in some way, be secured against the vexation and pecuniary loss to which anyone who has been certified as insane has now the power to expose them.

The public exclaims against the monopoly of the medical profession to confine lunatics; the medical profession should surely now resist that which the public has forced upon them, their monopoly to endure persecution and suffer loss for the discharge of a public duty.

It may be in the interest of the public that future certification should be entrusted to specific public functionaries properly qualified, and duly protected. It cannot fail to be of vital importance to medical men that immediate steps be taken to relieve them from duties which they have not solicited, with their discharge of which the public are evidently not satisfied, and which are at all times attended by unpleasantness, and the evidently not remote possibility of serious pecuniary loss.

Weldon v. Semple.

One chief feature in this case is the opposite opinion formed by two judges as to the law of lunacy, and we are inclined to think that, with all its faults—we had almost said follies—the trial of Weldon v. Winslow was more according to law than was the one of Weldon v. Semple. Both judges seem to have agreed in thinking there was something "shocking" in lunacy proceedings, and that there was necessity for immediate change in the laws regulating detention of persons of unsound mind. Everything in the lunacy world indicates unrest and unstable equilibrium, and we only hope that legislation will not follow in a panic.

The present legislation is the result of much care and experience, and, if not the best possible, is far better than what would follow hasty radical measures. Of one thing we are sure, and that is that troublous times are before those entrusted with the care of the insane. Already we know of several threatened proceedings by former patients. From experience we know that there are certain very dangerous patients, who have a craving for legal proceedings, and who really believe themselves to be persecuted or injured by unjust detention. Some of these are to the manner born, and come of nervous, unstable parents; others are discontented in consequence of imperfect recovery, repeated attacks of insanity, or because the form of the insanity was marked by querulous