

charge of obtaining by false pretences, the court shall, after the charge has been reduced to writing and read to the person charged, "state in effect that a false pretence means a false representation by words, writing, or conduct that some fact exists or existed, and that a promise as to future conduct not intended to be kept is not by itself a false pretence, and may add any such further explanation as the court may deem suitable to the circumstances." By the second section of the new Act, section 11 of the Summary Jurisdiction Act, 1879, which gives power to deal summarily with young persons by consent, is extended to all indictable offences other than homicide. Sir Matthew Ridley trusts that this provision will remove some of the difficulties felt by justices in dealing with youthful offenders. The number of such offenders committed for trial will no doubt be materially reduced ; and whenever a boy under fourteen consents to be dealt with by a court of summary jurisdiction, and is convicted of any indictable offence (other than homicide), the court will now have the option of ordering a birching—a means of punishment hitherto available only in the case of larceny and certain other specified offences. Several juvenile offenders have, in London, already received practical object lessons on the new *régime* that has come into force.

This is a further recognition by the English Legislature of the fact so long familiar to American medico-legal experts, and which, it should be added, the *Union Internationale de Droit Pénal* has done so much to impress upon the mind of the Old World, that the best way to avoid manufacturing criminals is to keep first offenders as far as possible out of prison.

---

*Legal Aspects of Increase in Lunacy.*

It seems impossible to resist the conclusion, in view of the latest report of the Commissioners in Lunacy, that the burden of insanity in the United Kingdom is increasing out of all proportion to the increase of the population. When first the scare of increasing lunacy was raised it was met, as was natural and, in some sense, proper, by much expert and official incredulity. Cases were better classified than hitherto ; chronic cases were counted again and again, and so on. These views

were put forward not only with characteristic caution by such experts as the late Dr. Hack Tuke, but also in a special report issued by the Commission in Lunacy itself. The question arises, how is the difficulty to be coped with from the *legal* side? The main problem undoubtedly is how to get incipient cases of insanity brought under *immediate* care and control, and here two *desiderata* present themselves. In the first place, some means must be found of inducing patients and the friends of patients to invoke curative treatment in time. Cannot the principle of voluntary committal established by the inebriates be utilised? In the second place, cannot the *medical* profession have greater immunity from harassing legal proceedings guaranteed to it than even sect. 330 of the English Lunacy Act confers? If this latter problem cannot be solved, we shall have to face official certification.

---

*Curious Legal Point.*

It is a principle of English law, at least as old as the year 1799 (*Merryweather v. Nixon*, 8 Term. Rep. 186), that, upon grounds of public policy, one wrong-doer cannot have redress or contribution from another in respect of the joint wrongdoing. A Divisional Court have recently held in *Burrows v. Rhodes* (1899, 68 L.J.Q.B. 545), a case arising out of Dr. Jameson's raid, that this rule does not apply where an innocent person has, by the fraudulent misrepresentation of others, been induced to take part with them in the commission of a criminal offence which is merely *malum quia prohibitum*, and for which he has been neither tried nor convicted, and that probably the case would have been the same even if he had been so tried and convicted. In the course of an extremely able judgment in this case, Mr. Justice Kennedy raised an interesting point under the Lunacy Act, 1890. A person who receives two or more lunatics into his house, not being a registered house or licensed house or asylum, commits an indictable offence, even if he acts under a *bonâ fide* and reasonable belief that the persons so received are not lunatics at all (*Queen v. Bishop*, 1880, 5 Q.B.D. 259). Suppose that in such a case the belief had been induced by false and fraudulent representations on