

An example of the complete arrest of criminal proceedings, at whatever stage, by the insanity of the prisoner. In this case, the prisoner being found insane after conviction and before sentence, the sentence was arrested.

Browning v Mostyn. By Mr. WOOD RENTON.

The case of *Browning v. Mostyn*, tried before Mr. Justice Gorell Barnes and a special jury in the Probate Division in January, was interesting from the medico-legal point of view. It shows how deeply rooted the principle laid down in *Banks v. Goodfellow*—that given a knowledge of the value of the act and absence of undue influence at the critical period, testamentary capacity exists—has become in English law. Whether this principle has an equally firm hold of the Scotch judicial mind is a question which must be postponed till the judges who decided *Ballantine v. Evans* (1886, 13 Ct., 1 Sess., 4th Serr., 666) have an opportunity to reconsider their language in that case in the light of *Roe v. Nix* (1893, Prob. 55) and *Browning v. Mostyn*. The Monte Carlo will suit also offers another illustration of the class of case in which costs may be allowed out of the estate on the principle that the conduct of the testator himself was the cause of litigation. This exception to the general rule that costs follow the event was first recognised where a testator had left his papers in confusion. It was then, properly, extended to cases of alleged mental incompetence and undue influence. There was certainly never a case in which its application was more thoroughly justified than in that of Mr. Conyngham.

PARLIAMENTARY INTELLIGENCE.

HOUSE OF COMMONS.

Lunacy Statistics.

Mr. Patrick O'Brien, on behalf of Mr. Corbet, asked the Home Secretary if attention had been recently called to the fact that the number of insane persons under official cognisance in the United Kingdom, Ireland included, have increased from 55,525 in 1862 to 128,896 in 1895, and that the ratio of insane per 1,000 of the population had gone up during the same period from 1'81 to 3'28; and whether, in view of the importance of the subject, he would take steps to convene an International Conference to ascertain what measures could be taken to arrest the spread of the disease?—Sir Matthew White Ridley said, in reply: I am aware of the great increase in the number of insane persons in institutions, and I would remind the hon. Member that on February 28th of last year I stated in this House that I should consult with the Lord Chancellor with a view to the attention of the Lunacy Commissioners being specially directed to the question. The Lunacy Commissioners have, I am informed, completed a special report on the subject, which is now in the printer's hands; and until I have had the opportunity of considering that report I should prefer not to reply to the second part of the hon. Member's question.

Medical Superintendents of Lunatic Asylums.

Mr. Dane—I beg to ask the Chief Secretary for Ireland whether the rule of the Civil Service requiring officials to retire at the age of 65 applies to resident medical superintendents of district lunatic asylums and their assistants?—Mr. G. Balfour: No, sir. The rule in question applies only to permanent Civil servants of the Crown, and the officers of lunatic asylums are not Civil servants.

Maintenance of Pauper Lunatics.

Sir M. Stewart—I beg to ask the Lord Advocate if his attention has been called to the hardship imposed by law on a parish which has been compelled to afford relief to an alien pauper lunatic becoming chargeable on the rates of such parish; and if he can see his way to free the rates from such a burden by extending the costs of chargeability over a wider area than one parish by legislation or otherwise.—The Lord Advocate: So long as the parish system is retained cases of hardship of the kind mentioned must occasionally occur, but will tend to distribute themselves equally. I may point out, however, that, so far as the obligation to relieve is concerned, there is no difference between an alien lunatic and a native lunatic without a known settlement. The occasional nature of the case complained of is a sufficient argument against making alterations in a system which works well.

Notes on the quantity of Water required in Asylums for the Insane, with special reference to the Roxburgh District Asylum and its Water Act (1896). By J. CARLYLE JOHNSTONE, M.D., Melrose.

1. The requirements of the Scottish General Board of Lunacy are a minimum of 40 gallons of water per head of the asylum population daily, and in the case of new asylums 50 gallons, to allow for increase of population. [This estimate does not appear to have been founded on any recent inquiries made by the Board.]

2. The English Commissioners in Lunacy, in the "Practical Suggestions" (1892) issued by them, state that "if undue waste could be prevented, from 30 to 35 gallons per head per diem ought to be an ample allowance; but the difficulty in preventing a large amount of waste is so great that generally from 40 to 50 gallons are required. Even this amount may be exceeded unless proper precautions are taken . . . and by constant supervision. A minimum supply of at least 40 gallons per head per diem should therefore always be secured, and no site should be selected in which this quantity cannot be obtained in the driest season." [We may take it that a small asylum will require a somewhat larger quantity per head than a larger asylum.]

3. Parkes ("Practical Hygiene," 1883) estimates the quantity required for sick men at 38 to 46 gallons daily, and says that from 40 to 50 gallons are often used. [It will probably be admitted by everyone that the inmates of hospitals for the insane require more water than sick soldiers in hospital.]

4. In the year 1893 I made inquiry as to the quantity of water used at the (eight larger) District Asylums and the (seven) Royal Asylums of Scotland. From seven of the asylums I could not get any precise data. The following figures were furnished by the remainder:—

Argyle and Bute Asylum ..	70 gallons per head daily, but a reduced quantity in summer.
Inverness	About 62 gallons per head per diem.
Bothwell	About 42 " " " "
Sterling	From 45 to 50 gallons per head per diem. By meter.
Aberdeen	About 46 gallons per patient per diem. By meter.
Dumfries	About 83 gallons per patient per diem.
Edinburgh	About 45 gallons per head of entire population. By meter.
Montrose	Over 40 gallons per head of entire population. By meter.

5. Dr. Sibbald, H.M. Commissioner in Lunacy for Scotland, states in his evidence before the Select Committee on the Roxburgh District Lunacy Board's Water Bill (1896), that the following quantities were used and paid for by meter :—

Edinburgh Royal Asylum...	54 gallons per head daily.	By meter.
Glasgow Royal Asylum ...	46 " " "	"
Montrose Royal Asylum ...	52 " " "	"

and that the quantity used at the Crichton Royal Institution was upwards of 80 gallons per head. Asked: "Do you think that 60 gallons per head is an inordinate quantity?" Answer: "I think it is a desirable quantity."

6. At the Roxburgh District Asylum in the years 1893-94-95-96 careful measurements were made at regular and short intervals of the supply yielded by the sources used by the Board, and of the quantity of water actually consumed in the asylum. The amount consumed depended, of course, very much upon the amount procurable; but, taking ordinary dry seasons when every care was being taken to prevent waste, it was found that the quantity per head of the entire asylum population (300) ranged from 43 to 47 gallons, the average being 44 gallons. This quantity did not include roof and surface water, which is used to a considerable extent (but cannot easily be measured) in the laundry and steam boilers. *Even with this quantity of water, the supply has never been sufficient to permit of a regular bathing of the patients once a week, the general bathing taking place only once a fortnight.* It is evident therefore that, unless there has been undue waste of water, a greater quantity than 44 gallons per head per diem is required in the Roxburgh District Asylum.

7. In the year 1896 the Roxburgh District Board, having resolved to apply to Parliament for power to obtain an increased supply of water (the Board at that time being in actual possession of only one source yielding a minimum flow of 1,600 gallons of water daily, or 5·3 gallons per head), consulted Mr. W. R. Copland, C.E. (one of the most eminent engineers in Scotland), as to the quantity of water required for an asylum population. Mr. Copland advised the Board that a minimum of 60 gallons per head daily was necessary. Owing to the promoters of the Bill having come to an arrangement with the opposition before all the evidence was led, Mr. Copland's evidence was not taken; but he was prepared to repeat his opinion before the Committee, and to back it with figures and statements of the quantity consumed in other asylums (instancing, I believe, some of the newer Glasgow District Asylums). Mr. Copland's evidence was to have been supported by Messrs. Buchanan and Bennett, C.E.

8. Although it was suggested by the Counsel for the opposition that 60 gallons per head was "a large order," as far as I could gather, it was not intended by the opposition to raise any strenuous objection to the quantity of water desired by the Asylum Board. As it happened the exact quantity of water required had not much to do with the merits of the case. In an informal conversation between the two parties (which was not binding on any one, and is stated here without authority) Mr. James Wilson, C.E., Engineer to the Edinburgh Water Trust, and one of the most eminent water engineers in the kingdom, admitted that 50 gallons per head was not at all an extravagant estimate for an asylum population.

9. No fair comparison can be made between the average quantity of water used per head in an asylum and the average quantity used in the general community. It is well known that the general community is made up of large consumers and small consumers of water. A proportion of the smaller consumers use very little water indeed, and a proportion of the larger consumers use an excessive quantity. It is notorious that an asylum population consists almost entirely of large consumers. (I need not do more than refer to the conditions which occasion this high rate of consumption, the habits of the patients, their mental and physical requirements of treatment, the greater "unavoidable waste," etc.). If any comparison is to be made it must be made between (the

large consumers making up) the asylum community and the large consumers in the general community. I am advised by experienced engineers that among the latter (*e.g.*, the villa residents) 60 gallons per head per diem would be rather an under than an over-estimate.

10. In my opinion 40 gallons of water daily per head of the entire asylum community is decidedly too low an allowance for an asylum community of 300 persons. I doubt very much whether 50 gallons is enough. My experience leads me to recommend that for such a community 60 gallons should be regarded as the minimum quantity when a site for an asylum is being chosen, or when a Board is about to expend money upon, or to become a party to, any arrangement for the satisfactory supply of water to its asylum.

11. For a larger asylum probably a somewhat lower allowance per head would be sufficient; but it would appear from the figures given above that in any case the allowance must be a higher one than that proposed by the Lunacy Commissioners.

12. It should be clearly understood what is intended by the word "minimum." If the water supply is only occasionally restricted to an insufficient "minimum," no great hardship is caused; but no consumer expects to be limited to the "minimum" supply at all times. If the *minimum* supply is that which is procurable during three or four months of dry season yearly, then, to be satisfactory, it must be equivalent to a supply which is *sufficient* for all necessary and proper purposes.

LUNACY IN LONDON.

The London County Council has to encounter great difficulties in dealing with the yearly increasing numbers of insane patients. The Asylum Committee require to exercise skill, tact, discretion in no ordinary degree. Already the accommodation of the various asylums is overstrained, and that in spite of temporary measures. A "normal" rate of increase of 600 patients per annum is an appalling fact; but it must be faced. The whole question was considered at the Nottingham meeting of the Medico-Psychological Association, and we shall return to a consideration of the question on the publication of Dr. Rayner's paper on the "Housing of the Insane."

LUNACY IN EDINBURGH.

Edinburgh has been called upon to consider the impossibility of continuing the present arrangements in respect of the insufficiency of the accommodation for the pauper insane. A new asylum is to be built, and an order has been issued by the General Board of Lunacy, with the approval of the Secretary for Scotland, dividing the former Edinburgh City Lunacy District into two new districts. The pauper division of the Royal Edinburgh Asylum will thus be relieved of the pressure on its space by the removal of all patients chargeable to the parishes of Edinburgh, and will in future only receive cases from the parishes of Leith and Duddingston.

DUNDEE AND DUMFRIES ROYAL ASYLUM.

Some dissatisfaction has been expressed of late, in reference to the constitution of the Directorate of these Institutions. At Dundee, the proposal has been made that the Parish Council should acquire the asylum; while at Dumfries a Bill is being promoted in Parliament for the reconstruction of the Board of Management.