

*Criminal Lunacy Law.*

It is to be hoped that the Legislature will soon give some attention to the long-neglected recommendation of the Departmental Commission of 1882 in favour of a consolidation and amendment of the criminal lunacy law. The present state of that law is absolutely deplorable. In the first place it is embodied in a series of statutes of the most antiquated and cumbrous description. There are the Custody of Lunatics Act, 1800, which was passed in consequence of the difficulty which arose as to where and how Hadfield was to be disposed of; the Criminal Lunatics Act, 1838; the Removal of Lunatics Act, 1851; the Broadmoor Act, 1860; the Trial of Lunatics Act, 1883; the Colonial Prisoners Removal Act, 1884; and the Criminal Lunatics Act, 1884. The earlier of these statutes were passed at a time when the science of legal draughtsmanship was in its infancy, and the later ones repeal each other in part in the most bewildering manner. When we turn from the Criminal Lunacy Acts to consider the law itself, matters get worse instead of better. The definition of "criminal lunatic" is admittedly and notoriously defective. The terms "lunacy," "insanity," "unsoundness of mind" are, for the most part, used as if they were convertible terms and stood in need of no definition. In many points the procedure to be adopted in regard to the criminal insane is not specified. An instance of this recently came under public notice at the magisterial proceedings in the Bethnal Green murder case. It was stated that the prisoner, a man named Matthews, had been removed to an asylum by order of the Secretary of State. The magistrate was quite at a loss as to how the charge-sheet should be marked—as the prosecution was being dismissed without the accused being discharged from prosecution. There was nothing in any of the Acts to help him, and so he had to make a precedent—"Removed to asylum by Secretary of State's order." Again, we learn that in spite of the express provision in the Trial of Lunatics Act, 1883, counsel at sessions still ask for and sometimes obtain verdicts of "not guilty on the ground of insanity." Moreover, the law as to the plea of insanity on arraignment is in a condition of the most hopeless confusion. It is unnecessary, we should imagine, to point out the thoroughly discreditable character of this state of matters, or the need that it should be remedied without delay. Badly as the codifica-

tion of the civil lunacy law has been done, it will at least constitute a convenient point of departure for the efforts of future law reformers, and it is now high time that the criminal lunacy law should be subjected to a similar process. A suitable opportunity for this salutary work being undertaken will occur when the reports of the Committees—which are investigating the vexed question of the criminal responsibility of the insane—are presented. We see no reason why the substantive and adjective laws of criminal lunacy should not be codified by the same Act.

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*The Death of Dr. D. Hack Tuke.*

We feel that our readers would be disappointed if no notice, however short, were taken of the death of the chief editor of the Journal, so, though we purpose giving hereafter a full account of his life and work, we cannot allow the present number to go to press without expressing the great and irreparable loss which has been caused by the death of Dr. Tuke.

To our readers it is unnecessary to say more than that he was a prevailing spirit of work, kindly feeling, and sympathy. He has been the chief editor of the Journal for nearly 18 years, and all contributors know his kindly consideration for them, while our readers know the value of the product.

He worked hard for his profession with no feeling of self-interest, and if ever a man's good works follow him Dr. Tuke will have a rich harvest. We are too near the loss to be able to estimate it yet, and we shall leave till a future number our true judgment of the man. We have lost a friend, and the profession has lost a painstaking, honest historian, who was ever helpful to those who were earnestly endeavouring to follow truth.

He has been noticed to be failing for a year or more, and that his end was sudden was a blessing, we think, to him whose life had been spent in doing good honest work for humanity.

Many of his old friends stood by the grave-side at Saffron Walden to bid a long farewell to one who had ever borne the white flower of a blameless life.

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