defence to show, not only that the prisoner had a delusion, not only that the delusion was calculated directly to inspire the criminal act, but that in addition it was of such a character that, if true, it would have justified the act. This relapse on the part of the Bench to a legal position which has of late years been quietly sinking into oblivion is much to be regretted; and it is the more to be regretted since it occurs in the case of a judge recently elevated to the Bench, and belonging to a younger generation upon which the hopes of our profession for an interpretation of the law more in accordance with the principles of modern science are largely built. At the same time it must be pointed out that the judge had much justification for taking the view that the prisoner ought to be convicted. Whatever symptoms of insanity she had displayed at and subsequent to the time of the crime she had displayed for months and years before that time. She had repeatedly been in prison, and had there been under the notice of the prison medical officers. Whatever her mental peculiarities they had not been concealed. They had been open and notorious; the subject of reports and editorial comments in the newspapers. And yet, although her conduct has been outrageous, and her actual violence and murderous threats had been matters of public notoriety for years, no step had been taken to place her under control. The judge might very well have argued that if her insanity was not sufficiently established to enable her to be put under control, it was not sufficiently established to exempt her from the punishment she had incurred. The responsibility for the crime lies really not so much with the prisoner as with the state or the administration of the law which allowed her to be at large.

Winkle v. Bailey and Others.

A lunatic detained in the Lancaster Moor Asylum, who had been in the Wilmington Workhouse, and had been removed to the Asylum under an order of the Chairman of the Guardians, was found by the relieving officer to be entitled to a sum of money, amounting to about £225, £165 of which was in the hands of trustees. The guardians thereupon obtained from the justices a summons against the trustees, under Section 299 of the Lunacy Act, and on this summons an order was made by two justices to seize the sum in the possession of the trustees. The trustees refused to deliver the money on the ground that the Master in Lunacy had made an order appointing the Official Solicitor receiver of the personal property of the lunatic. The order also directed the receiver to pay the money already due for the maintenance of the lunatic, and whatever should become due while she remained in the Asylum. In spite of this notice the guardians endeavoured to levy the sum from the trustees by distress and sale of their goods. The Official Solicitor, as next friend of the lunatic, then applied for an injunction to restrain the proceedings of the guardians.

Mr. Justice North said that the guardians had acted most improperly. He made an order that the trustee should hand over the £125 without prejudice to their claim for costs, etc., to the receiver, and that the guardians should pay the costs.—Chancery Division.—*Times*, December 11th.

The Recent Lunacy Commission at Bolton.

At the Bolton County Court, during the last week in January, Mr. Fischer, Q.C., one of the Masters in Lunacy, was engaged, with the assistance of a jury, in holding an enquiry respecting the state of mind of Mr. Arthur Knowles, a Bolton cotton spinner. The proceedings were instituted on the petition of the wife, and the case, which was of a somewhat unusual and painful nature, created much local interest. In such cases the rule is laid down that evidence relating to the presence of insanity in the alleged lunatic must be restricted to a period of two years preceding the inquisition. The testimony of the witnesses, both lay and medical, was of a contradictory character. Three medical men, including the family attendant, testified to the defendant's mental incapacity; on the other hand, several experts gave it as their opinion that he was capable of managing his affairs. Between the latter and the petitioner's counsel there was a pretty

display of dialectical fencing. The most remarkable feature in the case was that it was admitted by the defence that in May, 1895, the defendant was of unsound mind. Previously to this he had several attacks of influenza, the last of which was followed by a slight attack of melancholia. Always of a religious turn of mind, he became more intensely so, declared he was Jesus Christ, and at Ilkley Moor on one occasion denuded himself of his clothing in a public place. Subsequently he associated himself with a peculiar sect who believed in faith-healing, and roamed about the country attending holiness conventions, returning to his home accompanied by other believers, his inferiors in social status, to whose presence in the house his wife naturally objected. Space forbids entering into all the salient features of the case, but there can be no doubt that the verdict arrived at by the jury was the correct one—viz., that he was of unsound mind and incapable of managing his affairs, for it is safe to say that if left to his own devices his religious mania would have become more intense, and hopeless insanity would probably have supervened.—*The Lancet.*

The Queen v. the Commissioners in Lunacy.

This was a rule calling upon the Commissioners in Lunacy to show cause why a *mandamus* should not issue requiring them to direct the discharge of Captain R. C. Cockerill, at present detained as a lunatic in Holloway Sanatorium. Captain Cockerill had applied to the Commissioners to be discharged under section 49 of the Lunacy Act, 1890. That section provides that an order for the examination by two medical practitioners authorised by the Commissioners of any person detained as a lunatic in any institution for lunatics may be obtained from the Commissioners upon the application of any person, whether a relative or friend or not, who satisfies the Commissioners that it is proper for them to grant such order; and the section further provides that on production to the Commissioners of the certificates of the medical practitioners so authorised, certifying that after two separate examinations, with at least seven days intervening between the first and second examinations, they are of opinion that the patient may without risk of injury to himself or the public be discharged, the Commissioners may order the patient to be discharged at the expiration of ten days from the date of the order. Certificates under the section had been given by Dr. Savage and Dr. Mercier. Dr. Savage in his certificate stated that he had come to the conclusion that Captain Cockerill, while still having unusual ideas on religious subjects, and though still hearing voices, yet, in Dr. Savage's opinion, did not require detention in an asylum. Dr. Savage further stated his belief that Captain Cockerill had mental power enough to resume his duties, the only point in any way likely to cause trouble being the idea that he had a mission to unite all creeds and that in pursuit of this idea he might be troublesome to "eminent scholars." The Commissioners, however, after enquiries into the case, came to the conclusion that it was not a case in which an order for discharge should be made, and they refused to make the order.

Mr. H. Sutton appeared for the Commissioners in Lunacy. He argued that section 49 of the Lunacy Act, 1890, invests the Commissioners with a discretion and does not impose a duty upon them to discharge a lunatic whenever the certificates mentioned in the section have been made. Captain Cockerill was not without a remedy if the rule was discharged, since he might apply to a Judge in Chambers for an order under section 90 of the Act, in which case the question of his sanity would be determined by a jury.

Mr. H. Tindal Atkinson appeared for Captain Cockerill in support of the rule. He argued that, upon receipt of the certificates mentioned in the section, it becomes the duty of the Lunacy Commissioners to exercise the power to direct the discharge of a patient which is vested in them b the section. If this was not so, a person once received into an institution for lunatics might be arbitrarily detained for life. Section 90 of the Act did not authorise the presentation of a petition by the patient himself, and therefore the only remedy available to the patient himself was under section 49, and that would be defeated if the section were read as giving the Commissioners a discretion. He referred to "Julius v. the Bishop of Oxford" (L. R. 5, App. Cas., 214).