

sider in council the conditions under which they ought to be permitted, as the freedom with which several members of the Bench were at first disposed to threaten them was having the effect of deterring prisoners from availing themselves of the right conferred on them by the statute.

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*Constructive Murder.*

Mr. Ambrose, Q.C., shortly before his appointment as Master in Lunacy, introduced into Parliament a bill to make by implication the act of bringing about abortion no longer a capital offence. Although Mr. Justice Phillimore was most unfairly criticised in connection with the case of Lieutenant Wark, the result of that *cause célèbre* shows that public opinion in this country is ripe for an amendment of the law in this direction. In one of the earlier abortion cases of the present legal year, the Attorney-General, who prosecuted for the Crown, propounded the theory that a homicide under such circumstances might amount to constructive murder only, if not to mere manslaughter. The legal soundness of this theory is, however, very doubtful, and it is much better that the problem should be solved by direct legislation.

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*The Lunacy Law and Borderland Cases.*

The treatment of mental disease in its early stages has received so much consideration of late that the case of Regina *v.* Reichardt, tried at Kingston-on-Thames on January 4th, 5th, and 6th of this year, is of especial interest at this moment, and owing to the importance of the questions raised, demands serious attention.

The case, briefly stated, is that a lady suffering from mental depression and hysteria attempted suicide, recovered, repented, and was recommended by an eminent physician to go to the house of Dr. Reichardt for care and treatment. She was seen at Dr. Reichardt's by a prominent specialist, who decided that,

though of unsound mind, she was not certifiably insane ; she apparently quite convalesced, but on the receipt of unexpected depressing news escaped and committed suicide.

Dr. Reichardt was indicted by the Commissioners in Lunacy for receiving lunatics, contrary to the Act. No evidence, however, was adduced in regard to other lunatics, and the jury found a verdict of " Not guilty."

The practical issue raised by this prosecution is whether persons who are showing some signs of mental unsoundness are only to be treated in their own homes (if they happen to possess homes) or go to an asylum as voluntary boarders.

Not being certifiable they cannot be legally treated in or out of asylums as lunatics, and if persons who undertake to care for them, become liable to prosecution, there will be for many no means of obtaining the care and medical treatment which their disease demands.

In this particular case it may be urged that there was *prima facie* evidence of insanity in the fact that the sufferer committed suicide ; but in matters indirectly affecting the welfare of large numbers of individuals more than a *prima facie* case is needed ; the antecedent inquiry should at least be sufficiently exhaustive to completely satisfy those responsible for the indictment that a real offence has been committed. Failure to establish the indictment is tantamount to an admission that the preliminary investigation was insufficient, and this is strengthened by the fact that " counts " were advanced in regard to which no evidence was given.

If, on the other hand, prosecution is intended to deter persons from breaking the law in this respect, it should be remembered, as we have above pointed out, that such indictments may prevent persons, mentally affected but not certifiable, from obtaining the treatment they need. It is also important to consider that the class of persons requiring such care is very numerous.

Prosecutions undertaken with this deterrent view could only be justified by success, and the danger arising from them is that they would lead to unnecessary certification in transient cases of mental disorder.

The legal recognition of the stage of incipient and unconfirmed insanity will probably not be much longer delayed, and it would be difficult to imagine a case which more completely demonstrated the need for this recognition than the Reichardt

prosecution. Here was a lady, sick and suffering, needing care and treatment which she had no suitable home to supply, not admissible to an asylum, and treated with every care and attention which her condition demanded. There is no complaint on her part of deprivation of liberty, and no allegation of unkind usage.

The question may be fairly asked : what moral offence had been committed ? whether, indeed, it would not have been inhumane if some person, in spite of the terrors of the law, would not have undertaken her care ?

The Lunacy Law intends to prevent persons being deprived of their liberty under the plea of lunacy, and intends to prevent lunatics from being cruelly or improperly treated, but, by permitting the treatment of lunatics under the care of friends, it admits that it does not consider certification as the only condition for the treatment even of confirmed insanity.

The Reichardt prosecution, however, if successful would have made it a crime to undertake the treatment of uncertifiable insanity, would have deterred the better class of persons from undertaking such treatment, and would have deprived many suffering invalids of proper care. The law as it stands is not satisfactory for the public welfare, but is especially unsatisfactory in exposing medical men to prosecution who are acting only on the dictates of professional duty and of the highest humanity.

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*Poor Law Provision for the Mentally Deficient Class.*

At the Poor Law Conference held lately, Dr. Shuttleworth read a paper which shows clearly the lack of provision for mentally deficient children of the State-supported class, and the methods which should be adopted to remedy the existing state of matters. It is to be noted that little progress has been made outside the metropolitan district, although certain localities have done something to meet the want by the provision of accommodation for some 400 imbeciles and idiots in establishments apart from the insane. But even this is a small beginning in face of the fact that poor-law authorities in the country at large should have provided places for some 6000, to bring the proportion up even