

Mr. Justice Cave said the rule must be discharged. It was clear that section 49 of the Lunacy Act, 1890, empowers the Commissioners to order a patient to be discharged. But it was argued that the section not only empowers but requires them, under certain circumstances, to order the discharge. The general management of lunatics was in great measure intrusted to the Commissioners, and most elaborate provisions were made enabling them to exercise care of, and control over, lunatics. It would be most extraordinary if the Legislature, after making all these provisions, had with a single stroke of the pen given a power to supersede the decision of the Commissioners to two medical men with regard to whose qualification no rule was laid down; for the section could not be read as enabling the Commissioners to select the medical men who should make the examination. They were merely to be ordinary medical men against whose qualification as medical men there was nothing to be said. It was argued that upon receipt of certificates from two such men the discharge of the lunatic must be ordered. He could not conceive that that would be the intention of the Legislature. He was therefore not satisfied that it was the duty of the Commissioners to order the discharge. Then if the Commissioners had a discretion he entirely repudiated any suggestion that their discretion could be reviewed by the Court. The rule must be discharged.

Mr. Justice Grantham concurred.

*Court of Session.*

Lord Kinnear and a jury sat in the Court of Session on 22nd April for the purpose of enquiring whether Christopher Seton is insane or not. The application was presented by James Wallace Seton, Edinburgh, a brother of the ward.—Dr. Clouston, Superintendent of the Royal Morningside Asylum, stated that Christopher Seton was brought to the asylum on 6th April, 1887, under a warrant by the Sheriff. Witness reported to the Commissioners that Mr. Seton was suffering from mania. At that time Mr. Seton believed that he was heir to one of the Scottish Earldoms. He was violent in his conduct, dangerous to others, and by reason of his morbid exaltation of mind, was quite unable to look after himself or his affairs. At present he was not so acutely insane as he was when admitted to Morningside, but he still entertained the same general kind of delusions. He now believed that Craig House, where he lived, and which was part of the asylum, belonged to him, and all that it contained. He heard voices that did not exist. He was incoherent, and was unable to carry on rational conversation or to take a rational interest in reading. In the opinion of witness Mr. Seton was absolutely incapable of taking care of himself or of looking after his affairs. His mental condition was worse as regards the prospect of recovery than when he entered the asylum. Physically he was in excellent health.—Dr. Middlemas, Assistant Superintendent Craig House, corroborated.—James Wallace Seton stated in evidence that he was the only surviving brother of the ward, who was never married.—The jury retired to see Christopher Seton, who was in one of the adjoining rooms, and on their return answered that in their opinion Christopher Seton was insane, and that his brother was his nearest agnate, or male relative.

This trial took place under the process of cognition, which is now very rarely put in action. There have been three cases in Dr. Clouston's experience, all at the instance of the nearest male relative on the father's side for the purpose of replacing the *curator*. No abuse was alleged in any of the cases referred to.

**THE MAINTENANCE OF PAUPER LUNATICS.**

The President of the Local Government Board received a deputation from the County Councils Association in reference to the growing burden imposed upon the rates by the increase of the number of persons confined in lunatic asylums. The deputation consisted of Sir John Hibbert, Lord Thring, Mr. Hobhouse, M.P., Sir E. Edgecombe (Dorset), Mr. M. F. Blackiston (Clerk to the Staffordshire County