abused in the lay press in such unmeasured terms, without being able to defend themselves. Such exaggerated invective defeats its object by begetting such sympathy; at the same time it is a source of evil in fostering in the public mind the old prejudice against asylums, and so in many indirect ways hampering the treatment of the insane.

The abuse of the Lunacy Commission has been also most unjust and undeserved. The Commission has been blamed by "Truth" for not exerting powers which it does not possess; its authority over the hospitals for the insane being practically limited to criticism or the making of representations and recommendations. Indeed the Report of the Commissioner's inquiry appears to us to be much more severe than that resulting from the special inquiry, while the new regulations issued by them in regard to the use of restraint make the recurrence of such an incident almost impossible in the future.

The report on the use of mechanical restraint in the Lunacy Commissioners' Blue Book is sufficient evidence of the exceptional character of the treatment in Weir's case, and we have no reason to doubt that such will not occur again in the Holloway Sanatorium. There is little danger, therefore, that a single regrettable error in one institution will be accepted as an example of the treatment in asylums in general, or even of the treatment in that institution under ordinary conditions, since the public is now too well educated in discounting the exaggerative exigencies of sensational journalism.

Modified Responsibility.

We observe with interest the growth in judicial favour of the doctrine of modified responsibility in mental disease. Two interesting cases in which it has been applied were "Reg. *v.* Warboys" (Central Criminal Court, June 21st, 1895) and "Reg. *v.* Collins" (London County Sessions, April 29th, 1895). In the first case Warboys, a labourer in Peckham, was charged with having murdered his wife. The fact was admitted, and the only question really in issue was whether the circumstances that the prisoner had suffered great provocation, and that his mind had been affected by a sunstroke received in India, reduced his offence from murder to manslaughter, and entitled him to a mitigation of punishment. The jury decided the first point in the prisoner's favour by convicting him of manslaughter only, and the

Judge (Mr. Justice Wright) let him off with five years' penal servitude. In the second case to which we have referred, the defendant Collins, a dentist, was indicted for stealing at his club. The plea set up was not insanity, but a series of nervous headaches aggravated by influenza, and the death of a near relative. Medical evidence was called, and it was urged that though the accused was not insane his mind was to some extent affected, and sufficiently so to negative any presumption of felonious intent. The jury brought in a verdict of "Not guilty." These are two satisfactory instances of the growth of a judicial practice which, if it become general, will tend to prevent not only unjust convictions and punishments, but equally unjust acquittals attributable to the determination of juries to achieve "a great right" by doing "a little wrong."

The Plea of Insanity.

It is worthy of notice that just as inquisitions *de lunatico inquirendo* are steadily receding before the advance in public and judicial favour of the summary powers of management and administration created by Section 116 of the Lunacy Act, 1890, so the question whether a prisoner is fit to take his trial is coming more and more to be determined by the Home Secretary on the advice of his experts, under the wide powers of the Criminal Lunatics Act, 1884, without waiting for arraignment. This was the course taken by Mr. Asquith both in the Bethnal Green murder case ("Reg. *v.* Matthews") and in the case of Covington, who threatened to murder Cardinal Vaughan, and it is a humane and a wise one. On the other hand it has to be kept in view that this summary procedure deprives a prisoner of his right to have the fact of his sanity tried by a jury. There are, however, ample safeguards both in the Criminal Lunatics Acts and in the pressure of public opinion against any abuse in the exercise of the summary powers with which the Secretary of State is invested.

A Monstrous Suggestion.

We have been favoured with the report of a Committee of the Medico-Legal Society of New York on "Amendment of the Law of Commitment of the Insane." The report is of such an extraordinary character that we have looked (and,