the surrounding convolutions, bringing the gyrus angularis to lie internally to the supramarginal, and immediately posterior to the postcentral. It consisted of chalk and cholesterin chiefly. The cells of Betz were completely degenerated on the left side.

In regard to the localization, this case quite agrees with Ferrier's observations, and goes against Hitzig, who places the centre in the præcentral gyrus. It supports Charcot, too, as regards the implication of the paracentral lobule in a permanent paralysis of the leg and arm. Neelsen explains the partial recovery of the leg by Soltmann's observation, that very young dogs, deprived of the motor centres of one hemisphere, can, after a time, move the legs of both sides with the remaining centre.

## OCCASIONAL NOTES OF THE QUARTER.

### *Nowell v. Williams.*

" Diseased nature oftentimes breaks forth
In strange eruptions."

HEN. IV., *Act* iii., *Sc.* 1.

It is astonishing how a medical case, simple in its character, obvious in its nature, and of which the diagnosis does not present serious difficulty to a mental physician, may become lost in a fog, and obscured by a number of irrelevant questions, when it comes into a Court of Law. Conflicting interests, the contention of lawyers, the technicalities which bar the admission of this or that particular fact in evidence, which is important in a scientific investigation—in which truth alone is the object of the inquirer—the mass of details which are crowded into the case, the probable ignorance and obtuseness of some of those who have to form a judgment; the necessarily imperfect medical knowledge of counsel, and also of the Judge himself; the prejudice of the public in regard to asylums for the insane—all these circumstances combine to prevent a dispassionate and scientific inquiry into a case of alleged lunacy. Under such circumstances, the wonder perhaps is not that juries often blunder on questions of lunacy, but that they manage, as often as they do, to blunder on the right side. So has it been in the action of Nowell *v.* Williams—in which the plaintiff sought to recover damages for false imprisonment on the ground that he had been confined in Northumberland House, he being at the time sane. He was in medical practice in Cornwall Road, London. He passed the College of Surgeons and the Hall in 1860-61, and became L.R.C.P. (Edin.) in 1865. His age is 43.

The extent of his practice was warmly disputed. It appears to have been always small, but he estimated it at some six or seven hundred pounds a year, which would have enhanced the damages for depriving him of his liberty.

Divesting it now of the side issues which have been raised in the course of the trial, let us look at the whole case from a simply medical point of view, and as one not of legal quibbling but of common sense. For an outline of the case the reader is referred to the Judge's summing up (Notes and News). We wish we were in possession of more medical facts in regard to Mr. Nowell's family. What is sworn to, however, is, if true, significant. It was stated that he had had two brothers, both of whom died from the effects of drink, one being quite out of his mind. The natural desire to keep family histories as private as possible may have prevented any disclosures in regard to the plaintiff's ancestors. The mental physician would deem it probable from what is alleged of three members of the family, that ancestral mental disorder would be found if sought for. If he did not say, with Sergeant Parry, that he was "created" insane, he would not be surprised to learn that he came into the world with a taint in his blood. That Mr. Nowell himself was by no means temperate in his habits, was stated by several witnesses; and it is rather surprising that his counsel should, in his opening speech, have maintained that the accusation of inebriety was altogether groundless. Indeed, one might have thought that the wisest course for him to pursue would have been to explain away Mr. Nowell's insanity by admitting this part of the evidence to be true. At what period his alleged intemperance began was not stated. The evidence went to show that for some time he had taken stimulants to excess, without actually being tipsy, in the vulgar sense of the term. It was stated that he was a frequenter of public-houses, and that he drunk very freely in the evenings at home. We will not suggest that the Solicitor-General's denial of his client's asserted taste for beer and whisky was after all only in the sense of good Matthew Prior's line—

> "They never taste who always drink."

Nor will we apply to the Solicitor-General the lines of the same poet—

> "Till their own dreams at length deceive 'em,
> And, oft repeating, they believe 'em"—

because even in his impassioned tirade against "asylum keepers" and "the mad-doctoring interest," which he averred was put "in quite a twitter" by this trial, he could hardly conceal the good-humoured twinkle of his eye, and when most forcibly engaged "in making the worst appear the better reason," it was sufficiently easy to discern in his utterance the mere license of the advocate. Probably no one's conscience was more agreeably set at ease by the verdict of the jury

than his. He had done his duty to his client, and succeeded in doing so without causing a grievous injury to the defendant. That the plaintiff's habits (admitting the evidence), injured his mind, and that there was in the family some mental disorder, notably in this direction, are the first facts of importance in this case (*i.e.* if true) which must be recognised in order to understand the subsequent history, from a mental point of view. If the question were to be discussed whether his mental constitution caused the alleged recourse to stimulants, or the recourse to stimulants caused his insanity, we should reply that both positions would be alike indicated by the evidence. We believe it would be correct to say that his insanity and his alleged toping sprang out of his mental constitution, but that the former was fanned into a flame by the latter.

Contemporaneous with the unwholesome amount of imbibition deposed to, we find that his affections were by no means warm, and that Mrs. Nowell had for long been treated with considerable coolness, if not suspicion. She was, to her credit, reticent on this head, and evidently desired to make the best of her husband's conduct. But if we read rightly between the lines, then that which is said to be the only bliss of Paradise which has survived the Fall—domestic happiness—had taken flight a considerable period before the time from which the legal history of the case commences—that is in 1874.* The first actually proved difference between husband and wife was in that year, when they were staying at Brighton. It appears that Mr. Nowell one day took a return ticket for London, but instead of returning that evening, as expected, he did not come back for three days. Mrs. Nowell of course supposed he was at his house in London, but a letter directed to Mr. Nowell arrived, forwarded by the servant in Cornwall Road. Mr. Nowell when he did return flew into a passion with his wife for having opened the letter. He was annoyed at the servant for having let out his not being at home by forwarding the letter. How did Mr. Nowell show his animosity to these persons? By not speaking to his wife, and by occupying another bedroom—while he subsequently made a serious charge against the servant (that of having caused the death of his child), and apparently bore her a grudge ever after. Yet as it turned out the charge was not substantiated. He quarrelled after awhile with an aunt, a widow lady, with whom he acted as trustee, about whether her boy should be sent to a public school, or a private one kept by a master who was related to one of his friends, a patient (Lawrence), in respect to whom he then or subsequently entertained the delusion that he was on terms of intimacy with his wife. At Christmas, 1874, a choir, to which Lawrence belonged, went to plaintiff's house and carolled him. He appeared pleasant and kindly, and behaved just as he ought to have done. But even then he eyed Lawrence with jealousy, though the latter was unaware of it till the following March. He

* "I had lived a *tolerably* happy life with my wife" (Plaintiff).

had no delusion about being followed before this Christmas. He accused his aunt of abusing his father, grandfather, and other members of the family. Some of his letters to her are written in August, 1874, and others in May, 1875; in the latter occurs the passage which is the key-note to his then state of mind—"If any attack is to be made upon me, I prefer that it may be done personally, and not upon my wife through the medium of third parties."

So matters went on till June 15, 1875, when his daughter died, due, he said, to the servant having thrown her down. It is in evidence that this event depressed him, and aggravated his morbid mental condition. That it must be taken into account in estimating the exciting causes of this unfortunate man's malady is no doubt true; it must not, however, lead us to overlook his previous mental state. One witness stated that four years before he was very strange. His mind therefore was not only now, but had for some time been, unhinged. If not already a dangerous lunatic he was perilously near being so. Sergeant Parry made the observation that if refusing to speak to his wife, or live with her as his wife without any good reason, were not proofs of delusion, they were the materials out of which lunacy is manufactured. They show that he was brooding over certain supposed injuries—injuries of which not a shadow of proof was forthcoming at the trial. Thus brooding he became, it is affirmed, increasingly suspicious and jealous. And the grotesque form the delusions assumed—the order or procession of events in the man's mind—were in themselves calculated to render the charges transparently preposterous and the mere coinage of an insane brain. Because the plaintiff preferred a public school for his cousin, his aunt set the disappointed master of the private school and some of his relatives to persecute him. They were, indeed, in his aunt's pay. And how could these people more effectually annoy and injure the plaintiff than by rendering his wife unfaithful? Alienated though he was from his wife, he was indisposed to blame her in this matter. She was not criminal. She was the victim of low cowardly wretches. Such, at least, was his theory, although his acts soon proved that he did not carry it consistently out. As Lawrence came occasionally to the house, it was easy to misconstrue the simplest occurrences and connect them with the conspiracy to which he now gave credence. Fed by whisky (admitting the evidence), these delusions assumed at last an acute form. At this time his wife went from home for a change. The servants left in the house were soon frightened out of their wits by his outrageous conduct—rushing about the house screaming, and drinking. "He was always more excited after drink." He thought men were surrounding his house. He fancied people pointed at him and grinned at him. For three nights the servants did not undress, but slept in their clothes. At last matters became so serious that they telegraphed to his wife to return, which she did. It was then, on the night of the 25th of July, 1875, that he rushed into his wife's bed-

room dressed, with his hat on, and a candle in his hand, in search of the supposed intruder. That he was at this period on the verge of *delirium tremens* is suggested by the evidence. But whether this be so or not, his acts were regarded as insane; he heard men's voices in his wife's room, not one voice only but as if there were fourteen or fifteen. He saw or found one in the bed, which not only his wife but his daughter, a girl of thirteen, occupied. He believed men were secreted under the bed. Then and on other occasions he heard what nobody else heard, and saw what nobody else saw. Sometimes he had illusions; at other times hallucinations, visual and auditory. He implied he could have made a sketch of the main intruder, but was no draughtsman. He saw in the early morning this intruder escape over a wall in the back garden, being helped over by that servant towards whom he had conceived so insane a dislike. She placed a chair for him to stand upon.* Connected with this is the curious and characteristic circumstance that the plaintiff changed his opinion as to who this man was, though adhering to this day to the allegation that some one was in his house and escaped over the wall. He found he was mistaken as to his being the relative of the schoolmaster supposed to be set on by his aunt. He became a strange man, who subsequently turned up in numerous places—London, Gravesend, Yarmouth, Ramsgate, Dover, Ipswich, and Harwich—whom he in vain endeavoured either to escape from or to bring to justice, a phantom of his disordered fancy, a Will-o'-the-Wisp, which now and again on the point of being secured, as often eluded his grasp. Most striking occasion of all, when just within his reach—or at least within shot—he disappeared among "the bushes" of Linden Grove! Plaintiff was, however, only a companion in misfortune, with no less eminent a member of his profession than Sydenham himself, for even he while sitting one day, smoking by his window which looked out on the Mall, with a silver tankard on the table, was persecuted by a thief, who, snatching up the tankard, escaped with his prize. "Nor was he overtaken," it is recorded, "before he got among the bushes in Bond Street, and there they lost him." Who shall dispute there being bushes in Linden Grove? Our very last wish is to provoke a smile—our only feeling is compassion. We confess, however, to an

* It is proper to say that a letter written from Mr. Nowell to his wife next day, which appeared to prove his dangerous state of mind, may possibly not, it would seem, bear this construction. He wrote—"I consider your return here impossible and dangerous. Mary is your friend to please others. So beware. I will not be answerable for any consequences if you come here." This was construed to mean threatening his wife. It might be argued that he was warning her of the danger she would run by returning to a house where she was sure to be interfered with by a particular man. It may be that on the occasion of the plaintiff being asked in the witness-box what he meant by this, he did really tell the truth when he replied, "I meant that if she came, he would come to." At the moment he wrote the letter, the side of the delusion which represented his wife not as criminal but as an unwilling victim, was on this hypothesis in the ascendent. Mrs. N. quitted the house July 26.

unsuccessful search in this locality for any sufficiently arborescent refuge for even this dexterous fugitive.

Be it remembered, to go back to the suspicion regarding the man or men in his wife's room, that the transformation actually amounted to a private detective, who was there simply for the purpose of planning with his wife the best means of watching him and dogging his footsteps. If likely to occur, a sane idea would have suggested the conference taking place in the day when her husband was on his rounds; an insane idea prompted the theory that he came to her room in the middle of the night—that room being next to that of the man they were secretly plotting to persecute by incessant watching!

It should have been mentioned that in the interval between his child's death and the excitement on the night of the 25th of July, Lawrence called to pay his account in consequence of "an insulting letter" he had received from him. He told him he knew what he had come for. Lawrence said, in his evidence, "I saw he was mad." The plaintiff was abusive in his language, and pointing to one part of the room he made use of the words, "I've got something in that cupboard which will settle you in two minutes," and greatly alarmed his visitor.

Subsequently Mr. Nowell wrote a letter, in which he says that his aunt, with whom he had quarrelled, had set Lawrence on to injure him from the side of his wife. In his evidence, referring to this autumn, he swore that a man was constantly watching him in Cornwall Road, where his house was situated. He overheard old women talking about his wife's misdemeanours and made a note of it.

In October, 1875, a medical certificate was obtained, but the second certificate fell through by reason of some difficulty arising when the examination was made. At that time he asserted he was followed about by gangs of detectives; that he had got into a train with seven, who wanted to arrest him, but they could not serve the warrant upon him because he changed his coat before he came out, and therefore the description did not agree with that in the warrant. Why did they want to arrest him? For child murder, or something of the kind; he did not exactly know what.

In January, 1876, he believed that while going in the boat to Gravesend, a man was watching him, and he called him a spy. Not long after this, he and his wife and family went to Ramsgate, and, with the exception of occasionally visiting London, resided there until February, 1877.

Fortunately for the ends of justice, the plaintiff kept a diary, and this alone would have been sufficient, from the inherent and monstrous absurdity of the entries, to satisfy any sane man of the writer's insanity, even when interpreted by himself in the witness box.

One entry, "What did you say you would do for me?" were words he asserted he heard in his wife's room on July 25, 1875, uttered as he finally thought by a private detective. Again and again he

heard voices. When at the Queen's Hotel, Yarmouth, he made the entry, "Two fellows followed. Went into coffee room and said 'There he is.'" Again, "Followed till 9." And again, "Followed in hansom; insulted in Kensington," which referred, on his own admission, to the same ubiquitous individual who always pursued him. On December 27, "Man in garden" whom he did not know. "Man in 'bus, as in train to Swindon," who followed him. "Two men at Pegwell," who pursued him there. "January 14, 1876, Man in smoking room," who also, plaintiff believed, had been following him. "February 6, Paddington-green Church. Went to Delancy Street. Man in 'bus spoke to passengers. Same as went to Ramsgate." When asked in Court to explain this, he replied, "He pointed to me and whispered to the passengers. He walked up Delancy Street close to my heels."

In vain to tell the unhappy diarist that these people never pursued him:

> "Nor no such men as you have reckoned up,
> And twenty more such names and men as these
> Which never were, nor no man ever saw."

Like the bewildered Sly, he would answer, "What, would you make me mad? What, I am not bestraught!" And the reply would be—

> "Hence comes it that your kindred shun your house
> As beaten hence by your strange lunacy."

In March, 1876, a circumstance occurred which elicited the fact of his carrying a pistol. When walking past the Elgin Arms, he heard a voice, "Hollo, Doctor! going home?" and a man pushed him twice. The man who had followed him to Ramsgate then came up. This was succeeded by an assault upon a man who was proved to have been entirely inoffensive. Plaintiff was found to have a pistol, and did not deny it on being cross-questioned. Again, "Red man," was explained to be a red whiskered man who followed him. "16 April, 1876, 'bus along New-road; man in it, and told him so," which he stated to be the same person. April 20, "Man in cloak; cats—cats!" "Man at the tea-gardens." The same man. "Man with shiny hat passed with straps under his arm." The same man.

Suspecting—jealous—prepared at any moment to attack imaginary spies—frequenting public-houses when he walked out; so lived the plaintiff while at Ramsgate, and no wonder that in such a condition of mind he should, on the night of the 5th July, 1876, have rushed into his wife's bedroom in search of some intruder, and roused her with suspicious enquiries. He then put his hand to his pocket. One of the children, sleeping with Mrs. Nowell, having reason to think he had a pistol, cried out, "Don't, father, don't." Another of the children gave evidence that "Pa had hold of her by the throat," and that he had to be pushed away. Such are the scenes enacted, such the deeds wrought, by men whose removal to asylums is becoming increasingly difficult in consequence of the ignorant outcry of

a section of the community, including the mischievous cackle of a few flighty women.

It was several months after this scene, that the servant, in making plaintiff's bed, discovered a pistol and took it to her mistress. Mr. Nowell said it was only for shooting gulls, but Mrs. Nowell was not credulous enough to believe him. It was afterwards found that from constantly having his pistol in his trousers pocket, he had worn out the lining, and had lined the pocket with wash-leather.

We need not dwell on the extravagant fancies with which Mr. Nowell's brain teemed in regard to his wife's relations with the inmates of the adjoining cottages—the seeing her carried there in a chair by six men—the supposition that persons mounted from below to his wife's window, which in consequence he nailed up—but pass on to the 19 Dec., 1876. In the evening of that day he had asked about where his daughter would go during the holidays. He angrily maintained that his wife was such a low character that she must not remain with her, and, becoming more and more excited, used foul and exasperating language to Mrs. Nowell, in the presence of the children. She burst into tears, and fearing violence, left the house for ever, turning out, on a miserably wet December night, to seek refuge in the house of a neighbour. As Lord Coleridge feelingly observed to the jury, if what Mrs. Nowell had told them in the witness-box had not impressed them, then nothing that he might say would. All he could say was, it had impressed him. Perhaps he may have thought of the lines of his illustrious kinsman—

> "The night is chill, the cloud is grey!
> * * * * * * *
> Hush! beating heart of Christabel!
> Jesu, Maria, shield her well!"

That Mr. Williams should have taken steps to obtain a medical examination of Mr. Nowell, with a view to his being confined, was surely natural and right. They, however, unfortunately failed at that time, and it was not until Feb. 16 of the following year, that two certificates were procured, and he was placed in Northumberland House, the order being signed by Mr. Williams. It might, of course, have been signed by the wife, but it was thought this would add to the irritation of the patient's mind whenever he should return home. As it was destined that everything—or nearly everything—connected with this unfortunate case should turn out unpleasantly to everybody concerned in it, the certificates must needs, in the opinion of the Commissioners, be so doubtfully legal that fresh ones had to be obtained in March, when precisely the same monomaniacal delusions of persecution were expressed, notwithstanding every inducement to conceal them. And here we would observe, that as it is obviously wise not to allow a lunatic, whom the Commissioners consider dangerous, and for whom fresh certificates must be procured, in consequence of an informality, to be free from control, it would be better that he should either be honestly re-certified in the asylum, or be out of it under

police surveillance during his re-examination. Otherwise the asylum goes with him. The existing mode of procedure is certainly open to the charge made against it by the Solicitor-General, of being a farce, and to the caustic observation of the Judge to one of the Lunacy Commissioners, who maintained there was a clear distinction between being out of the asylum and in the asylum—that it was a distinction without a difference.

It remains to add that, while in Northumberland House, the plaintiff gave expression to the same delusions of persecution ; that he thought poison was put in his coffee, and adhered to the belief in his wife's misconduct. Twice he escaped and was brought back. In November, 1878, there was a Commission of Lunacy, but this attempt to prove to a jury that he was of unsound mind failed. Strong facts were then deposed to, but the limit of two years which the law requires at an inquisition, excluded some of the evidence. Lord Coleridge demurs to the wisdom of this law, passed, no doubt, to set some bounds to the expense of conducting an enquiry. We certainly think the period might be extended to three or four years with advantage.

As already intimated, it is not our object to give a history of this case, further than to bring into prominence its most salient features, or to enter into questions of personal interest to the medical men concerned, which were raised in the course of the trial. The question of whether, in the first instance, there was or was not a *bonâ fide* separate examination was brought before the Commissioners, and was by them decided in the negative. On the question whether, in the re-certifying, there should or should not have been all the facts stated, we shall express an opinion shortly.

Turning now to the Verdict, while it is satisfactory that the evidence brought forward succeeded in convincing the jury, we by no means think that the position of medical men who sign certificates of lunacy is reassuring. Nothing but an overwhelming mass of evidence turned the scale. Many are the instances in which dangerous lunatics ought to be confined, where the same conclusive proofs—laymen being the judges—could not be obtained. Although the question of "danger" affects primarily the signer of the order, we believe that the number of medical men who refuse to risk the annoyance to which they may be subjected by legal proceedings, will be increased by this trial. And, unfortunately, it is not those who are worst, but those who are best qualified to form a judgment, who will be deterred from committing themselves to possible consequences, as unjust as they are annoying.

The reluctance thus induced will operate injuriously upon the public in two ways. It will prevent, in many instances, the removal from a family of a member who is a constant source of misery and of danger. And it will have the effect of transferring the signing of certificates from men who are best able to sign them, but who have a character to lose, to men who have nothing to lose and may gain, but who are not equally competent to examine a lunatic. We are not blind, as members of the general community, to the danger attending too facile

a system of incarceration in an asylum. But if, in jealously guarding the liberty of the subject, the guards thrown round this liberty are so tightly drawn as they are now—we are not complaining of the Lunacy Laws, but the interpretation of these laws in the Courts—then we say the security of families from insane violence is vastly lessened, and that, in the almost indiscriminate vituperation of "mad doctors," now so fashionable, the public are indulging in a dangerous, however pleasant a game. The mistake may be, and no doubt will be some day discovered, but not before a fearful amount of suffering has been endured, an unjustifiable demoralization of family life been caused, and a luxuriant crop of homicides and suicides been committed. The pity is that a mass of the intolerable misery caused by unrestrained lunacy never comes to light, and is only known to the family medical attendant, who sees clearly enough what ought to be done, but is met by the difficulties which now present themselves in the attempt to place the cause of all this misery under medical treatment from home, and under conditions in which no further mischief can be done.

If we could weigh the agony caused by all the lunatics in all the asylums in Great Britain at this moment in one scale, and the sum of human woe endured by the sane, occasioned by the action of the manifold phases of delusional and emotional insanity, in the other, we are deliberately of opinion that the latter would far outweigh the former. A father once affectionate, now passionate or actually cruel; a mother, hitherto all that a mother should be, causelessly jealous of her husband and harsh to her children; or a son eccentric, wayward, and morally insane; here are the skeletons in the cupboard of many a home—the materials of the miseries which are to be found, if sought for, around many a family hearth, and which require wise medical interference for their removal. But if the medical advice given is to be represented as the mere desire for filthy lucre; if the medical certificates are to be subjected to a verbal criticism which the Queen's Speech could rarely if ever stand; if an action at law, harassing and expensive, even if unsuccessful, is to be hanging over the heads of those who put their names to the paper, these evils will not be interfered with when they ought to be interfered with, but will continue to bear their unhappy fruit. These remarks apply also, of course, *mutatis mutandis*, to those who sign the order. Even in the present instance, in which the action was not successful, we are informed that the defendant will be some £3,000 out of pocket. Is this just? That, however, is not the point we wish to urge at this moment. Whether just or not, a brother desiring to protect a sister from her husband's outbreaks of mad violence, will be very loath to do it. Indeed, in spite of this action having failed, we doubt whether many brothers will now be found to act the considerate part the defendant has acted, for they have the fact patent before them, that he ran a great chance of being defeated in the action, and that, while winning, he lost disastrously, both time and rest, and money, and has only the *mens conscia recti* to sustain him—honourable as that possession is.

The recommendation of the jury, that the medical certificates should be on separate pieces of paper, naturally followed the remarks of the Judge (before he knew to the contrary) that such no doubt was the fact.* If it is intended that one signer shall not know what the other has written, the recommendation is no doubt consistent. Otherwise it seems uncalled for, seeing it has nothing to do with a separate examination. Certainly, a separate piece of paper—and a tolerably large one—will be required, if, as the Judge holds, the Act of Parliament requires, *all* the facts upon which the physician bases his opinion of the patient's insanity, are to be given. It is difficult to poor unlegal minds like ours to see why "facts" should be interpreted to mean "all facts." If counsel were arguing in support of a certain proposition, could he not be truly said to have cited "cases" if he had only cited two out of half-a-dozen which might be within his knowledge? Even the manufacturer not supposing that "wool" will be understood as meaning altogether woollen, takes care to label his fabric "all wool." And so we think would the legislature have specifically stated "all facts," instead of "facts," had it ever intended that they should all be inserted.

As the history of this case was first sketched by the Solicitor-General, a very shocking story of incarceration in a lunatic asylum seemed to be made out. A wicked conspiracy had succeeded. Wife, brother-in-law, servants, detectives, tradesmen, persons wholly unconnected with Mr. Nowell, had one and all leagued together to watch him, follow him, dog his footsteps wherever he went, and conspire with only too successful a result, to deprive him of his liberty. The story, indeed, sounded so plausible, that Court and jury were evidently strongly moved by it. At the present moment, too, when a set of noisy agitators, assuming, but really only aping, the character of genuine reformers of the amelioration of the condition of the insane, are trying to convince the public that mental physicians are dangerous foes to the liberty of the subject, such a case was greedily seized upon by these poor pensioners on the bounties of an hour, and a most temptingly comfortable *nidus* was supposed to be discovered in which to lay their eggs. Alas! it proved a veritable mare's nest.

> "Anon, out of the earth a fabric huge
> Rose like an exhalation."

But when examined in the full light of day, it proved to be a house of cards. A Monomania of Persecution, familiar enough to every mental physician, partly induced, if the evidence be true, by inebriety,

* We commend this little circumstance to those who are enamoured of *à priori* modes of approaching the investigation of alleged discoveries. A clear-headed Judge deciding in his mind from his past experience what should be and therefore is, arrived at a conclusion the exact reverse of the fact. "It is highly unlikely—exceedingly unlikely—that the two certificates should be on the same piece of paper. Anything more calculated to lead to the law being broken I cannot imagine." Another illustration of the truth that the unlikely is always happening.

but persisting in a diseased brain, long after the main cause was removed, explained the whole.* And the plaintiff was not only a lunatic, but a dangerous one, as the jury, in fact, found. Morally speaking, the loss of his cause was the plaintiff's gain, for the outrageous conduct which, on the theory of his sanity, could but excite detestation and disgust, only excites, when he is proved to be insane, the pity due to an irresponsible being.

A few words in conclusion on the important question which has been raised once again by this trial as to whether the person signing the order must, in self-defence, prove that the patient is not only a lunatic but a dangerous lunatic. In spite of the ruling of the Lord Chief Baron in Nottidge v. Ripley and Nottidge, we believe that most persons have entertained the opinion that whatever may be the restrictions of the common law, the Lunacy Acts contain no such limitations. That such is the opinion of the Commissioners is well known. When the Chief Baron made the declaration above referred to, they addressed a spirited remonstrance to his Lordship, in which they said that the subject of the Lunacy Acts "is not so much to confine lunatics, as to restore to a healthy state of mind such of them as are curable, and to afford comfort and protection to the rest . . . It is of vital importance that no mistake or misconception should exist, and that every medical man who may be applied to for advice on the subject of lunacy, and every relative and friend of any lunatic, as well as every magistrate and parish officer, should know and be well assured that according to law *any person of unsound mind, whether he be pronounced dangerous or not, may legally aad properly be placed in a county asylum, lunatic hospital, or licensed house, on the authority of the preliminary order and certificate prescribed by the Acts.*"

And Mr. Danby P. Fry, in his "Lunacy Acts," reads the statute in the sense of the Commissioners, as overriding the common law.

We may observe that the case of Fletcher v. Fletcher does not support the opinion that the signer of the order must be in a position to prove that the patient is a dangerous lunatic. The question raised at this trial was, whether it was a sufficient plea to urge that he acted *as if* he was insane. And it was ruled by Lord Campbell, the other three judges agreeing, that he ought to have proved that he was insane. In other words, you are not justified in shutting up a man if he only pretends to be insane, or if his conduct is so eccentric that he conducts himself as if he was insane. Lord Campbell does not say a word about "a dangerous lunatic," in his judgment, nor do the other judges, except Mr. Justice Wightman. He, to

* That insanity arising after the antecedents deposed to at the trial, is likely to assume the form of a monomania of persecution, is pointed out by the distinguished Austrian mental physician, Dr. von Krafft-Ebing, in his "Lehrbuch der Gerichtlichen Psychopathologie," 1875. "Nicht selten kommen solche Erkrankungen [Wahnsinnszuständen der Verfolgungswahnsinn] auf degenerativer, nämlich alkoholischer und hereditärer Basis in primärer Ent stehungsweise vor."

all appearance, quite inadvertently used the word "dangerous" when he said the defendant must prove that the plaintiff "*was*" a dangerous lunatic, laying emphasis on the word italicised in the report, and not on the word dangerous. It does not appear possible therefore to cite the case of Fletcher in support of the opinion that it is necessary to prove the patient to be a dangerous lunatic. The ruling, however, in the case of Nottidge v. Nottidge remains, and now we have that of Lord Coleridge who, however, only referred to Fletcher v. Fletcher, and not to Nottidge's case.

It is then of the utmost importance that this question should be free from the slightest doubt. And if the opinion of the Commissioners is really not assented to by the judges, every effort should be made to have the law altered, and brought into accord with common sense and with common practice. A lunatic who squanders his property, is placed in an asylum, not being dangerous either to himself or others; is it to be tolerated that those who place him in restraint are liable to an action, in which the judge will rule that the plaintiff, under such circumstances, is entitled to a verdict?

We have supposed an extreme case, but we hold that whether a non-dangerous lunatic squanders his money or not, his friends should be warranted, in law, in placing him in a hospital for the insane if he is likely to derive benefit from such treatment, provided they conform to the Lunacy Acts.

If the law is really such as the ruling of our most eminent Judges assert it to be, then in the order words ought to be introduced in accordance with it, so as to put the unwary signer of the order on his guard. It will be seen that the Commissioners considered that the ruling of the Judge applied to the certificates as well as the order ("every medical man"). Although, however, medical men cannot fail to be influenced thereby, we believe the Judge's ruling had sole reference to the order. The Commissioners, however, are still logical in their view, for if an order is only valid when made for a dangerous lunatic, the medical certificates must in all other cases be at least so much waste paper, although they may not be actionable.

At all events, the present condition of the law, or the want of accord between the common law and the statutory provisions of the Lunacy Acts is to the last degree unsatisfactory—here, we grant "Lunacy Reform" is required—and until it is placed on a satisfactory footing, the best course mental physicians can pursue is *se mettre en grève*, for even if the Act does protect them and not the signer of the order in the case of a harmless lunatic, an action may be brought against them for not enumerating all the facts on which they have formed their judgment, and on other grounds. This course might, perhaps, open the eyes of the public to the service which they render to the State; and practically illustrate the consequences which will befal the community when lunatics, who unhappily ought to be under restraint, are allowed to indulge their insane wills at large.