

surdity, had we not remembered a certain dissertation some years ago on the resemblance between asylums for the insane and Zoological Gardens. Common-sense is doubtless of the utmost importance in the diagnosis of lunacy as in that of other diseases, and we may assume that it is equally distributed among the different branches of the profession. It is something new to learn that the addition of special experience in a disease unfits a man to form an opinion about it.

To whatever rank, however, the defendant in this case may be relegated—the “higher” or the “lower” in the professional scale—he is to be congratulated on the verdict, and the late Dr. Gardiner also may be congratulated on being at rest where the wicked cease from troubling psychological physicians.

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*Hillman v. Crosskey.*

This trial—another in which a person who had been under certificates took proceedings against a doctor who signed one of the certificates—differs in many very important points from those which have recently been before the public.

The trial was held at Lewes during the Sussex Assizes, and the points at issue had on several occasions been before other tribunals.

It was expected that the trial would have been a very prolonged one, for the first two actions which were down for trial were against the two magistrates who signed the order for the reception of the patient into a county asylum. The order of the magistrates had been quashed, and already one action against them had been tried, and in the High Court the plaintiff (Hillman) lost, there being two judges against three. The question now awaits the final decision of the House of Lords.

By arrangement, the action against the magistrates was postponed till the House of Lords decided on the point of law as to the nature of the “examination” required to be made by the magistrates, and, therefore, the action against Dr. Crosskey alone was tried. As the decision may be appealed against, it will only be necessary to give a succinct account of the trial, not in any way prejudging the questions at issue. The facts brought out at the trial were that Mr. Hillman, an old resident at Lewes, was a man of inde-

pendent means, lived a quiet and regular life, and spent a great deal of time in taking long walks and in coursing. He took a good deal of interest in local politics, and was a strong partisan.

Two of his brothers and one sister had been insane, one brother being at present a patient in St. Luke's Hospital—of which institution Mr. C. Hillman is a governor. There was no evidence of any attack of insanity in the plaintiff before the alleged illness of 1884. The first cause of nervous disturbance followed the discovery of some I.O.U.'s of a friend of his, recently deceased, he being upset by the thought that his trusted friend had not acted honourably.

The plaintiff himself said that he was disturbed, and had a hysterical fit, but that this passed off, and that though he was ignorant of what he did for a short time, this lapse of reason was quite temporary and unimportant. Under cross-examination, he denied most positively all the allegations of the defendant. It was said, and witnesses of position swore, that Mr. C. Hillman had been on several occasions excited in the streets, having accosted several persons and spoken to the police about a conspiracy; he was said to have pointed out certain people as connected with the Fenian conspiracies, especially he referred to a tall stranger, and to his coursing with a white dog; he was said also to have mistaken a lady, the wife of a French nobleman, for a former servant of his family. These were the chief symptoms of insanity which were the grounds for the action of the police, the magistrates, and the doctor.

During the trial and a very prolonged examination and cross-examination, the plaintiff behaved calmly and answered clearly. Every point as to the delusion he denied or explained in a very plausible way. Thus, as to the Fenian conspiracy, he referred to the fact that an attendant in an asylum in Sussex had been proved to be deeply involved in the plots; and he maintained that the doctors considered his ideas about the I.O.U.'s to be delusions, whereas they were facts; and not understanding the drift of his conversation, they said he was incoherent.

He remembered the visits paid to him by the doctor and by the police, and also gave a clear account of his removal to Haywards Heath Asylum.

He described the careful physical examination made of him by Dr. Worthington, but denied having expressed himself as afraid of plots, or in any way speaking or acting

insanely. He remembered also the examination made by Dr. Williams, but here again he denied any of the insane expressions attributed to him.

He spoke very favourably of his treatment in the asylum, objecting only to the pauper's clothes and food, and to his epileptic companions.

He denied having made the statements which Dr. Crosskey attributed to him in the certificates, and accused him, as a second count in this trial, of libel. He said he requested to be sent to St. Luke's instead of to a private asylum, and he said when examined by Dr. Crosskey and Dr. Newth he was as sane as he ever was. He recounted his admission within a fortnight to St. Luke's and his examination by Dr. Mickleby, and then his removal by his lawyer, and his subsequent visits to Drs. Maudsley and Savage.

Thus far the examination brought out the chief facts of the case, which may be here briefly recalled. After a nervous shock, the plaintiff acknowledged that he suffered from a loss of recollection of what he did for a short time; during this time it was alleged that he did and said strange things, indicating, according to the defendant, a state of insanity, with delusions of a conspiracy against him. His friends declining to act, and the police being informed that he was a dangerous lunatic not under proper care and control, took the only step open to them and sent him to the county asylum, whence he was transferred under two fresh certificates to St. Luke's, where, after two days' residence, he was, on Committee day, discharged as not being of unsound mind. He then consulted independent medical experts, who were unable then to detect insanity. Dr. Savage was the second witness called, and he detailed the facts of his examination; he could find no evidence of mental loss, nor of the presence of delusions; the plaintiff did not appear vindictive or suspicious, and acknowledged freely his temporary nervous illness.

He said insanity, with delusions about conspiracies, was a dangerous form of insanity, and usually took some weeks to develop; sleeplessness might precede such symptoms. He made a distinction between insane people requiring treatment and those needing control; the former might be treated at home. As a rule, cases of delusional insanity needed removal from home; such removal might speedily effect a cure.

Dr. Mickleby gave evidence as to his knowledge of the

plaintiff and to his examination of him on his admission, and of his frequent conversations with him while in St. Luke's. He failed to detect any signs of insanity in him, and reported him as not being then of unsound mind.

This was the evidence for the plaintiff.

For the defence, the defendant spoke fully of the examination of the plaintiff and of his change in habits and manner. He repeated his statements made in the certificate, and said he considered Mr. Hillman at the time to be suffering from insanity with delusions, and to be a dangerous lunatic. He had had special knowledge of insanity.

Dr. Williams and Dr. Worthington both clearly described Mr. Hillman as having delusions while at Haywards Heath, and also as being excited; they had no doubt but at that time he was insane, and required to be under care and control.

Many other witnesses from Lewes, both medical and lay, gave evidence as to the conduct of Mr. Hillman before the certificates were signed, and all said he was excited, some said he was threatening, and that he had delusions about a tall Irishman, the head attendant of St. Luke's, a black dog, and a woman who had been in his service.

Baron Huddleston summed up at great length and with conspicuous clearness.

He pointed out the main issues, as to whether the doctor took sufficient care to find out what was the state of the plaintiff, whether he complied in every way with the requirements of the Statute, and whether he did this in all honesty and without any malice.

He referred, as he is now in the habit of doing, to what he considers the unsatisfactory state of the law, and the hardship involved in sending a person of Mr. Hillman's position to the county asylum; but he left it for the jury to decide as to whether Dr. Crosskey acted as he did on sufficient grounds and with due care.

The jury decided in favour of the defendant.

It only remains for us to consider a few points in this trial, which will probably have to be again noticed when the decision of the House of Lords is given.

The evidence of temporary mental aberration was very strong indeed, and when men of the experience of Dr. Williams, Dr. Worthington, and Dr. Newth give it as their opinion that the plaintiff was irresponsible and dangerous, he would be rash who opposed it; and this was strengthened

by the long personal knowledge which the defendant had of the plaintiff.

The next point is the one as to the propriety of sending such a patient to the county asylum, and though we may think the step was taken hastily and inconsiderately, yet we have to remember the risk which is run by allowing a person with marked delusions of suspicion to be at large.

If there was a fault in this respect it was with the friends of the plaintiff, who declined to act, and not with the doctors.

Though, at first sight, a conflict of medical evidence may appear to have existed, this, we think, was not the case; the doctors' opinions were formed at different periods, and we all know a man may have delusions to-day and may be free from them in a fortnight. The insane relationships of the plaintiff would, in our opinion, render this rapid recovery more likely.

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## PART II.—REVIEWS.

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*Physiology 'v. Metaphysics in Relation to Mind.* Reprinted from the "Lancet," by Dr. WALTER HAYLE WALSH, M.D., &c., pp. 23.

*The Colloquial Linguistic Faculty and its Physiological Ground-work.* By Dr. WALTER HAYLE WALSH, M.D., &c. John Bale and Sons, pp. 80.

These two pamphlets from Professor Walsh will be hailed by many an old pupil with great interest, and among his former pupils there are many readers of this journal who will be pleased to see that his studies are directed of late to subjects congenial with their own.

The first pamphlet shows in what direction and to what school of philosophy his meditations have led him. He remarks that few can have failed to notice how common it is to hear psychologists, if referred to at all, stigmatised as Atheists; if still common, surely it is becoming less so, or the psychologists are becoming bolder, for those who openly avow these views are certainly more numerous than formerly.

Time was when, as Dr. Walsh writes, it was the verdict of the masses that *Ubi tres medici, ibi duo athei*, but he asks:—