

*Reg. v. Strong.*

At the Devon Spring Assizes, held at Exeter, January 25th, William Strong was charged with receiving lunatics into his house without a licence. The following is from "The Exeter and Plymouth Gazette," January 26th, 1884:—

## AN UNLICENSED ASYLUM.

William Strong, 70, farmer, of Huxbeare Barton, Hennock, near Chudleigh (on bail), was indicted for receiving to board and lodge in his house, on the 13th December, two or more lunatics, not being licensed for the reception of the same.

Mr. Collins, Q.C., and Mr. Bucknill prosecuted on behalf of the Lunacy Commissioners, and Mr. Pitt-Lewis defended.

The defendant pleaded guilty.

Mr. Collins said that the defendant could not plead ignorance of the law, for in 1880 he applied at the Quarter Sessions for a licence to keep lunatics, but it was not granted, and the application was not proceeded with. On the 20th February, 1880, he received into his house a certified lunatic named Steele. In December last certain reports reached the authorities, and the Lunacy Commissioners sent Dr. Phillips to examine the premises. He found no less than seven lunatics in the house, including a clergyman and two or three females. The defendant's house was a large, fairly-furnished farmhouse, and it was clean and apparently comfortable. There was not the slightest idea that any of these people were ill-treated; in fact they appeared to be well cared for, and they said that they were well fed and sorry to be taken away. The Lunacy Commissioners, however, considered this a very serious offence indeed, for after the defendant had applied for a licence and it had been refused, in defiance of the law he took six or seven lunatics in. He was instructed to ask that the defendant should not be imprisoned, but that if the Court should think fit to let him off with a fine the Commissioners would be satisfied.

Mr. Pitt-Lewis admitted that the licence was refused, although not upon any personal objection to his client, but upon general grounds that it was not desirable to multiply such houses. The defendant only intended his house for persons in a nervous and depressed state of mind, and the great majority of the patients were recommended to him by medical men, and were sent for the purpose of obtaining a change, rest, and quietness. He promised to send away all the lunatics, and had made an endeavour to get rid of at least one before the Commissioners interfered. For fifty years previous to 1880 the defendant lived at Stockleigh Pomeroy, and he produced a memorial, strongly in his favour, from the inhabitants, including two Vicars in the neighbourhood and three medical men. Everybody agreed that the patients were well looked after, and as one of them was certified,

the Lunacy Commissioners had a right to visit the premises whenever they chose.

His Lordship (Mr. Justice Cave) said that it was strongly in the defendant's favour that the house was well conducted, and that the inmates were treated with great kindness, care, and attention. The object of the Act was, of course, to ensure that such persons should be under proper supervision, as a precaution to their well-being, and to ensure that, as far as might be, they should be cured. It appeared that the defendant had done nothing opposed to that view of the Legislature. If there had been any suspicion of the slightest ill-treatment, or even of neglect, or if it had been shown that the house was not sufficient and proper, he should have felt bound to impose either a heavy pecuniary penalty, or if the case had been grave, a considerable term of imprisonment. But under the circumstances, and the defendant having undertaken to get rid of the persons still remaining in his care, the requirements of justice would be met if he now set him at liberty to come up upon his own recognizances of £20 when called upon. If there was any improper delay in sending away the patients of which the Commissioners might fairly complain, or if there was any repetition of the offence to which he had now pleaded guilty, he would undoubtedly be called up to receive judgment.

Mr. Collins asked for the costs of the prosecution; but his Lordship thought that it would be sufficient punishment for the defendant to pay his own costs.

This trial has occasioned considerable animadversion on account of the lenient manner in which the defendant, Mr. Strong, was dealt with. The man's age, and the way in which the patients had been treated, rendered imprisonment out of the question. It is difficult, however, to see why the man should be allowed to escape without a fine, as he had deliberately broken the law. Still more inexplicable is it that he should not have been made to pay the costs. A very pleasant Judge must Mr. Justice Cave be—for the defaulter. From some of the newspaper statements the Commissioners would appear to have been wanting in their duty in pressing the charge and penalty, but they undoubtedly asked through their counsel that he should be fined, and we do not think they would have been wise to do more.