

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,

as we expected, have looked in vain) for the name of any distinguished practical alienist among the members of the Committee. The report is such as might, perhaps, be expected from a Committee so constituted. It recommends that no order for the commitment of a lunatic—reception order, as we should style it—shall be made until after a *trial by jury*, at which the lunatic *must be present* unless the judge otherwise directs, and *must be represented by counsel*. Apart from the grotesque absurdity of the proposals from a practical point of view, the iniquity of placing a man upon his trial with all the forms of criminal procedure because he is unfortunate enough to be the subject of a distressing malady, is so gross that it is difficult to discuss the proposal with any patience. As if it were not misfortune enough for a man to be afflicted with insanity, he must be subjected to intolerable insults and enormous expense before he can even be placed under treatment, and these preliminaries are carefully arranged in such a way as to aggravate his malady and minimize his chances of recovery. There is an alternative suggestion that the jury shall, if the judge so directs, be called a commission, and consist of “three competent persons, one a lawyer, one layman, and one a competent alienist,” but the whole recommendation is too preposterous to deserve serious consideration.

---

*The New Rules of the English Commissioners.*

On the 26th of June last, the English Commissioners issued a set of new Rules, superseding the Rules of the 29th March, 1890, which were the first made under the Act of that year. It is natural that a set of Rules made to carry out the provisions of an entirely new Act should have been at first more or less tentative in character, and should require modification when experience had brought to light defects in their working.

The modifications introduced by the new Rules are not of great importance, and it is creditable to the draughtsmen of the original Rules that so few should have been found necessary. The chief additions are as follows:—

A post-mortem book in a form prescribed is added to the statutory books required to be kept in every institution for lunatics.

A case book for voluntary boarders is added to the