

serve the unfortunate inmates of her establishment. The question, however, was, had she or had she not violated the law? Because, if she had, whatever her motives or her object might have been, she was amenable to justice. He agreed that it was the duty of the Commissioners in Lunacy to take care that no asylum should be improperly conducted, and to protect those who were unable to protect themselves; but there was a class of people very different from those regarded as lunatics or idiots, who required equal care. There was a vast number of persons whose intellects were dull, whose powers of appreciation were small, and whose memory was very considerably weakened—especially those who had suffered from the terrible calamity of epilepsy—who, without being insane or lunatic, were almost or entirely incapable of taking care of themselves. For these an asylum was wanted different from that which was suited to persons of unsound mind. The wealthy had no difficulty in finding asylums of that kind for relations who were unfortunately afflicted. There were advertisements in the 'Times' daily of such asylums from one end of the country to the other; but nothing of the kind existed for the poor; for them there was no refuge but the workhouse, and it was for the poor that the institution in question had been established and carried on for many years. The evidence, he submitted, was most unsatisfactory. For the purpose of placing a person in a lunatic asylum the certificate of two medical men was imperatively required, and the world knew what fancies and theories medical men had upon the subject of insanity: but here was a case in which the Commissioners rested the whole prosecution upon the testimony of a single man. The learned serjeant urged upon the jury that the defendant had acted upon the honest belief that she was quite justified in the course she was pursuing, and that under all the circumstances she was entitled to a verdict of acquittal.

Mr. Baron Bramwell, in summing up the evidence, observed that the defendant was indicted, not for doing anything which was wrong in itself, or which, for aught the jury knew, might not be praiseworthy in its way, but for disobedience to an existing law. They must be satisfied that the cases which had been mentioned by Dr. Christie were cases of insanity which brought the defendant under the operation of the law. For his part, although medical men were often heard in courts of justice to define insanity and lunacy, he thought ordinary men of the world were just as well qualified to form an opinion on those matters as they. The jury, after a short consultation, returned a verdict of "Guilty."

Mr. M. Smith, Q.C., said, as the object of the prosecution was to close the asylum, he would not call on the Court for any sentence if that point could be attained.

Mr. Baron Bramwell said the best way would be to hold the defendant in her own recognizances to appear at a future day if necessary, and then arrangements might be made in the meantime for the removal of the present inmates of Zion House.

The suggestion of the learned Judge was adopted, and the defendant left the Court.—*Central Criminal Court, June 8.*

The Flushing Lunacy Case.

"It is satisfactory to perceive that the Court of Criminal appeal has refused to confirm the objections raised by Mr. H. T. Cole, the counsel for the defence in the case of Samuel Porter, found guilty at

Bodmin of the abuse and ill-treatment of his lunatic brother. In our previous comments we had anticipated the decision of the judges, and pointed out the difference between cases in which an obligation was imposed by law to support an afflicted wife or child, and the voluntary assumption of such a responsibility by any person to whom such claim did not extend. This view was that on which the learned judges based their decision. It will be in the recollection of our readers that the indictment was framed under the 16th and 17th Vict., c. 96, s. 9. It was contended that the case of Porter was not within the statute, which applied only to persons keeping asylums or taking in lunatics for hire. The case of the *Queen v. Rundell* was quoted, which was that of a man taking charge of his lunatic wife, where it was decided that the husband was not responsible, as the charge was only of a domestic nature. The Lord Chief Baron said, 'the Court was unanimously of opinion that the case came within the statute—that the defendant had the charge of his lunatic brother.' Mr. Baron Martin said 'he was clearly of opinion that the statute applied to this case. He could hardly have supposed that such a state of things could have existed in this country, but he had heard on good authority that there were cases where lunatics had been kept chained up for years.' The Court confirmed the conviction without calling on the opposite side. This is so far satisfactory. It is well to know that in the construction of Acts of Parliament technicalities will not avail for the purpose of evading the law where the spirit has been so essentially violated. We augur from this case the most beneficial results. There can be no doubt that Mr. Baron Martin's information is not without foundation, and that even now there are many cases which would not admit of close scrutiny. It is well that it be published to the world, that on behalf of those afflicted with mental disease the law will be ever vigilant and prompt to punish practices that are not only a gross cruelty towards the afflicted but a flagrant outrage on humanity."—*The Lancet*, April 30.

Publications received, 1864.

(Continued from the 'Journal of Mental Science,' April, 1864.)

'Stimulants and Narcotics: their Mutual Relations, with Special Researches on the Action of Alcohol, Æther, and Chloroform on the Vital Organism.' By Francis E. Anstie, M.D., M.R.C.P., Assistant-Physician in Westminster Hospital; Lecturer on *Materia Medica* and Therapeutics to the School; and formerly Lecturer on Toxicology. Macmillan and Co., London and Cambridge.

See Part II, *Reviews*.

'The Senses and the Intellect.' By Alexander Bain, M.A., Professor of Logic in the University of Aberdeen. Second edition. London, Longmans, 1864, pp. 640.

Will be reviewed in an early number.

'The Census of Ireland for the Year 1861.' Part III. Vital Statistics, Presented to both Houses of Parliament by command of Her Majesty. Dublin, 1863; pp. 167.

See Part III, *Quarterly Report on the Progress of Psychological Medicine*.