Thus by the sapience of a jury a person with delusions of persecution is let loose upon the public.

Harward v. The Guardians of the Hackney Union and Frost.

Plaintiff was taken by Frost, a relieving officer, to the workhouse infirmary as a lunatic. A magistrate who saw him there discharged him as sane. Action for false imprisonment.

The wife of the plaintiff applied to the relieving officer for the removal of her husband as a lunatic, saying that he had threatened to commit suicide and to kill her and his children. Upon this application the defendant Frost directed the removal of plaintiff to the workhouse infirmary, which was accordingly done. Subsequently plaintiff was seen at the infirmary by a justice, who found him sane, and he was discharged. Frost deposed that he honestly believed that it was for the public safety or for the welfare of the plaintiff and others that the plaintiff should be brought to the infirmary and placed under care and control, and that he was actuated by no other motive except that of doing his duty.

The man who removed plaintiff on defendant's instructions was asked by the judge if he saw anything to lead him to think that the plaintiff was a lunatic.

"I cannot say that there was; but I am no judge of that matter. I never thought about it, but simply obeyed my orders."

Dr. J. J. Gordon, one of the medical officers to the infirmary, said that he saw the plaintiff on admission. Plaintiff was then very excited, considered himself persecuted by his wife and some other relatives, and that he was the victim of a conspiracy.

The judge directed the jury that if they thought that Frost had honestly satisfied himself that the plaintiff was a lunatic and should be placed under restraint, then the defendants would be entitled to their verdict. In any case, there was no case against the guardians.

The jury found for the plaintiff, damages £25, on the ground that Frost did not exercise reasonable care to satisfy himself that plaintiff was of unsound mind and dangerous to be at large before arresting him.—Queen's Bench Division (Mr. Justice Hawkins), Jan. 19th and 20th. 1898.—*Times*, Jan. 21st.

On appeal the verdict was set aside, March 22nd.

Reg. v. Irving.

Ellen Irving was indicted under Section 315 of the Lunacy Act, 1890, for taking charge of a lunatic for payment in an unlicensed house. There were other counts in the indictment charging that the person mentioned was an alleged lunatic, "was received to board and lodge," and had been "detained." It appeared that in February, 1897, Miss Irving, who kept a convalescent home at Clacton-on-Sea, received a telegram asking her to receive a lady patient. The following day she received a letter from the patient herself asking for a cheerful room. The patient came alone by train, and at this time there was no suspicion that she was of unsound mind. In about ten days' time, however, she became very troublesome and violent. Her friends were communicated with, and in March the patient was removed. The defendant pleaded guilty, but it appeared that she was ignorant of the provisions of the statute.

For the prosecution it was stated that the Commissioners in Lunacy had no wish to press the matter. Their only object was to make it widely known that the reception of a lunatic under the circumstances was illegal.

The judge emphasised the importance of diffusing this knowledge, at the same time stating that the prosecution did not in the smallest degree reflect upon the defendant, whom he bound over to come up for judgment if called upon.—Chelmsford Assizes (Mr. Justice Hawkins), July 1st, 1898.—*Times*, July 6th.

It is satisfactory to find that even in one case, and that a very unimportant one, the Commissioners have been able to prosecute and to secure a conviction under Section 315 of the Lunacy Act, 1890. It is notorious that this enactment is being

daily violated in hundreds of instances throughout the country, but the difficulties of obtaining evidence are great, and the difficulties of obtaining a conviction are much greater. The British public, with its usual logical acumen, looks with approval upon the detention of lunatics in unlicensed houses, where they are under no sort of supervision, and are in charge of ignorant lodging-house keepers, and regards jealously their detention in institutions for lunatics that are legally so constituted, and in which the welfare of the patients is secured by a myriad of minute and stringent regulations.

Reg. v. Weaver.

Charles Weaver, 39, butcher, was indicted for the murder of Annie Brownsell. On indictment counsel for the prosecution asked his lordship whether, in view of the report of Dr. Law Wade, a jury should not be empanelled to say whether the prisoner was fit to plead. This was accordingly directed, and Dr. Wade proved that prisoner was suffering from various delusions.

The Judge: Do you think he is capable of understanding the proceedings taking place with regard to him at the present time?—Not fully so as to conduct his defence. Is he able to understand, as a reasonable and intelligent man would, the nature of the proceedings he is called upon to plead, and to give such instructions as are necessary for his defence?—I don't believe he is. The Judge instructed the jury to say whether the prisoner was at that moment in a condition to understand the character of the proceedings and reasonably to instruct counsel for his defence. The jury found that he was not, and the trial did not proceed.—Somerset Assizes, June 9th, 1898 (the Lord Chief Justice).—*Western Gazette*, June 10th, 1898.

The report shows the character of the questions that a witness must be prepared to answer when the ability to plead to the indictment is the issue tried. The case is of interest from the peculiarly brutal character of the murder committed by a lunatic who had been known for months to be suffering from delusions of persecution, but who had never been considered dangerous, and had been allowed to be at large and to pursue his calling of butcher. It is another illustration of the duty that lies upon medical men who are cognisant of insanity to spread the knowledge that a person suffering from delusions of persecution is always a potential homicide.

Reg. v. English.

Archibald English, 43, cook, was indicted for shooting at Henry Pearce, with intent, &c. Dr. Scott, medical officer of Holloway, said that in his opinion the condition of the prisoner's mind at the time was not such as would enable him to distinguish between right and wrong, and that he would be incapable of appreciating that he was doing wrong. "Guilty, but insane."

Dr. Scott said that the prisoner was no longer insane. The judge said that he was bound by statute to make an order for the prisoner to be detained during Her Majesty's pleasure, but his friends could present a petition to the Home Secretary for his discharge.—Central Criminal Court (Mr. Justice Hawkins).—*Times*, December 16th, 1897.

An unusual instance of the recovery of a prisoner between committal and trial, illustrative of procedure.

Reg. v. Murphy.

Francis Rowland Murphy, 33, labourer, was indicted for the murder of his two daughters, attempting to strangle his infant son, and wounding Gertrude Hester, the woman with whom he lived. It was proved that the couple lived happily together, that the prisoner was an affectionate father, that several of his relatives were in asylums, that he had had a severe blow on the head necessitating an operation and the removal of part of the skull, and that he had suffered in America from sunstroke. At the time of the murder he was suffering from influenza and bronchitis, and after a very restless night passed in choking and coughing, he said to the