display of dialectical fencing. The most remarkable feature in the case was that it was admitted by the defence that in May, 1895, the defendant was of unsound mind. Previously to this he had several attacks of influenza, the last of which was followed by a slight attack of melancholia. Always of a religious turn of mind, he became more intensely so, declared he was Jesus Christ, and at Ilkley Moor on one occasion denuded himself of his clothing in a public place. Subsequently he associated himself with a peculiar sect who believed in faith-healing, and roamed about the country attending holiness conventions, returning to his home accompanied by other believers, his inferiors in social status, to whose presence in the house his wife naturally objected. Space forbids entering into all the salient features of the case, but there can be no doubt that the verdict arrived at by the jury was the correct one—viz., that he was of unsound mind and incapable of managing his affairs, for it is safe to say that if left to his own devices his religious mania would have become more intense, and hopeless insanity would probably have supervened.—*The Lancet.*

The Queen v. the Commissioners in Lunacy.

This was a rule calling upon the Commissioners in Lunacy to show cause why a *mandamus* should not issue requiring them to direct the discharge of Captain R. C. Cockerill, at present detained as a lunatic in Holloway Sanatorium. Captain Cockerill had applied to the Commissioners to be discharged under section 49 of the Lunacy Act, 1890. That section provides that an order for the examination by two medical practitioners authorised by the Commissioners of any person detained as a lunatic in any institution for lunatics may be obtained from the Commissioners upon the application of any person, whether a relative or friend or not, who satisfies the Commissioners that it is proper for them to grant such order; and the section further provides that on production to the Commissioners of the certificates of the medical practitioners so authorised, certifying that after two separate examinations, with at least seven days intervening between the first and second examinations, they are of opinion that the patient may without risk of injury to himself or the public be discharged, the Commissioners may order the patient to be discharged at the expiration of ten days from the date of the order. Certificates under the section had been given by Dr. Savage and Dr. Mercier. Dr. Savage in his certificate stated that he had come to the conclusion that Captain Cockerill, while still having unusual ideas on religious subjects, and though still hearing voices, yet, in Dr. Savage's opinion, did not require detention in an asylum. Dr. Savage further stated his belief that Captain Cockerill had mental power enough to resume his duties, the only point in any way likely to cause trouble being the idea that he had a mission to unite all creeds and that in pursuit of this idea he might be troublesome to "eminent scholars." The Commissioners, however, after enquiries into the case, came to the conclusion that it was not a case in which an order for discharge should be made, and they refused to make the order.

Mr. H. Sutton appeared for the Commissioners in Lunacy. He argued that section 49 of the Lunacy Act, 1890, invests the Commissioners with a discretion and does not impose a duty upon them to discharge a lunatic whenever the certificates mentioned in the section have been made. Captain Cockerill was not without a remedy if the rule was discharged, since he might apply to a Judge in Chambers for an order under section 90 of the Act, in which case the question of his sanity would be determined by a jury.

Mr. H. Tindal Atkinson appeared for Captain Cockerill in support of the rule. He argued that, upon receipt of the certificates mentioned in the section, it becomes the duty of the Lunacy Commissioners to exercise the power to direct the discharge of a patient which is vested in them b the section. If this was not so, a person once received into an institution for lunatics might be arbitrarily detained for life. Section 90 of the Act did not authorise the presentation of a petition by the patient himself, and therefore the only remedy available to the patient himself was under section 49, and that would be defeated if the section were read as giving the Commissioners a discretion. He referred to "Julius v. the Bishop of Oxford" (L. R. 5, App. Cas., 214).

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Mr. Justice Cave said the rule must be discharged. It was clear that section 49 of the Lunacy Act, 1890, empowers the Commissioners to order a patient to be discharged. But it was argued that the section not only empowers but requires them, under certain circumstances, to order the discharge. The general management of lunatics was in great measure intrusted to the Commissioners, and most elaborate provisions were made enabling them to exercise care of, and control over, lunatics. It would be most extraordinary if the Legislature, after making all these provisions, had with a single stroke of the pen given a power to supersede the decision of the Commissioners to two medical men with regard to whose qualification no rule was laid down; for the section could not be read as enabling the Commissioners to select the medical men who should make the examination. They were merely to be ordinary medical men against whose qualification as medical men there was nothing to be said. It was argued that upon receipt of certificates from two such men the discharge of the lunatic must be ordered. He could not conceive that that would be the intention of the Legislature. He was therefore not satisfied that it was the duty of the Commissioners to order the discharge. Then if the Commissioners had a discretion he entirely repudiated any suggestion that their discretion could be reviewed by the Court. The rule must be discharged.

Mr. Justice Grantham concurred.

Court of Session.

Lord Kinnear and a jury sat in the Court of Session on 22nd April for the purpose of enquiring whether Christopher Seton is insane or not. The application was presented by James Wallace Seton, Edinburgh, a brother of the ward.—Dr. Clouston, Superintendent of the Royal Morningside Asylum, stated that Christopher Seton was brought to the asylum on 6th April, 1887, under a warrant by the Sheriff. Witness reported to the Commissioners that Mr. Seton was suffering from mania. At that time Mr. Seton believed that he was heir to one of the Scottish Earldoms. He was violent in his conduct, dangerous to others, and by reason of his morbid exaltation of mind, was quite unable to look after himself or his affairs. At present he was not so acutely insane as he was when admitted to Morningside, but he still entertained the same general kind of delusions. He now believed that Craig House, where he lived, and which was part of the asylum, belonged to him, and all that it contained. He heard voices that did not exist. He was incoherent, and was unable to carry on rational conversation or to take a rational interest in reading. In the opinion of witness Mr. Seton was absolutely incapable of taking care of himself or of looking after his affairs. His mental condition was worse as regards the prospect of recovery than when he entered the asylum. Physically he was in excellent health.—Dr. Middlemas, Assistant Superintendent Craig House, corroborated.—James Wallace Seton stated in evidence that he was the only surviving brother of the ward, who was never married.—The jury retired to see Christopher Seton, who was in one of the adjoining rooms, and on their return answered that in their opinion Christopher Seton was insane, and that his brother was his nearest agnate, or male relative.

This trial took place under the process of cognition, which is now very rarely put in action. There have been three cases in Dr. Clouston's experience, all at the instance of the nearest male relative on the father's side for the purpose of replacing the *curator*. No abuse was alleged in any of the cases referred to.

THE MAINTENANCE OF PAUPER LUNATICS.

The President of the Local Government Board received a deputation from the County Councils Association in reference to the growing burden imposed upon the rates by the increase of the number of persons confined in lunatic asylums. The deputation consisted of Sir John Hibbert, Lord Thring, Mr. Hobhouse, M.P., Sir E. Edgcumbe (Dorset), Mr. M. F. Blackiston (Clerk to the Staffordshire County

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