of my patients, and they have always recognized the change as agreeable:—

| | At present prices. |
|---|---|
| Tripe 5oz., done with milk and onions and 12oz. potatoes... | ... almost 2d. |
| Bullock's heart 5oz., hashed with 12oz. of potatoes... ... | ... above 2½d. |
| Bullock's liver 5oz., fried with 12oz. of potatoes ... ... | ... ... 1d. |
| Salt cod 8oz., boiled with 12oz. potatoes ... ... ... | ... ... 1½d. |
| Fish pie, containing 4oz. cod, 12oz. potatoes, 1oz. dripping | ... ... 1½d. |
| Salt herring, two weigh 8oz., 12oz. potatoes... ... ... | ... ... 1½d. |
| Fresh herring, two weigh 8oz., 12oz. potatoes ... ... | ... ... 1½d. |
| Hominy and milk 1pt., bread 7oz. ... ... ... ... | ... about 1½d. |
| Rice and milk 1pt., bread 7oz. ... ... ... ... | ... about 2d. |
| Ground rice and milk 1pt., bread 7oz. ... ... ... | ... about 2d. |
| Sago and milk 1pt., bread 7oz. ... ... ... ... | ... about 2d. |
| Cornflour and milk 1pt., bread 7oz. ... ... ... ... | ... about 2d. |

Rhubarb, gooseberries, and stewed apples, and black currant tart 16oz., bread 7oz., cheese 1½oz.

These last three dinners are subject to much change in price. We use them in summer, and, as the fruit is grown here, we consider it as a dinner cheaper than a meat dinner.

My wish is not at all to reduce the cost of maintenance of rate-supported lunatics to the lowest figure compatible with the preservation of their existence, but to give them as much pleasant variety of diet as is possible at a reasonable expenditure. I have not in my remarks attempted to give facts and figures for all my statements. What I wish is to enlist the co-operation and elicit the opinions of fellow superintendents who are interested in this subject. If my suggestion of having a committee appointed to draw out a diet scale is carried out, I am certain patients in public asylums will benefit by the result.

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## *Insanity and Divorce.** By A. Wood Renton, Esq.

In view of the interest which the subject is at present arousing, a critical analysis of the historical development of the law of insanity in its relation to divorce may be neither inopportune nor uninstructive.

The leading case of *Mordaunt v. Moncrieffe* (1874, L.R. 2, Sc. and Div. 374) may be taken as a convenient point of departure. Sir Charles Mordaunt was married to Miss Harriett Sarah Moncrieffe on 6th December, 1866. On the 28th of April, 1869, a petition charging Lady Mordaunt with adultery, and praying for a dissolution of the marriage, was

* In this paper I do not propose either to state the evidence in *Hanbury v. Hanbury*, or to discuss its effect.

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presented by her husband to the Divorce Court. Two days later the citation was duly served on Lady Mordaunt, whose solicitors entered an appearance for her, but on a representation supported by affidavit that she was insane, the court on 27th July, 1869, appointed her father, Sir Thomas Moncrieffe, to act as her guardian *ad litem*. Issue was joined on the plea of Lady Mordaunt's insanity, and the question was tried by a special jury, who, on 25th February, 1870, found (and the form of the verdict deserves particular attention) that on the 30th of April, 1869, the day on which the petition for divorce had been served on her, Lady Mordaunt was in such a state of mental disorder as to be unfit and unable to answer the petition and to duly instruct her attorney for her defence, and that she had ever since remained and still remained so unfit and unable. On 8th March, 1870, Lord Penzance, on Sir Thomas Moncrieffe's application, stayed all proceedings in the suit, giving Sir Charles Mordaunt liberty to apply when he was able to affirm that his wife had recovered her mental capacity, and on 2nd June, 1870, this order was sustained on appeal by a majority of the full Court of Divorce. On 12th March, 1872, however, Dr. Harrington Tuke having made an affidavit that the recovery of Lady Mordaunt had become hopeless, Sir Charles Mordaunt applied to the court to dismiss his petition, the proceedings in which had on the former occasion merely been stayed, in order that he might appeal to the House of Lords. The application was granted, and the case came on for argument at the Bar of the House, the following common law judges attending to assist, viz.: Kelly, L.C.B., Martin, B., Keating, G., Brett, J., Denman, J., and Pollock, B. Sir George Jessel, then Solicitor-General, afterwards Master of the Rolls, was leading counsel for the appellant. Dr. Deane, Q.C., and Mr. Hardinge Giffard, Q.C., the present Lord Chancellor Halsbury, appeared for Sir Thomas Moncrieffe. Chief Baron Kelly, Mr. Justice Denman, and Mr. Baron Pollock concurred in holding that divorce may be asked and decreed on behalf of or against a lunatic—the Court appointing a guardian *ad litem* for protection. Mr. Justice Keating and Mr. Justice Brett were of opinion that the insanity of either husband or wife is an absolute bar to divorce. The House of Lords adopted the opinion of the majority of the judges. In *Baker v. Baker* (1880, L.R. 5, P.D. 142, and 6 P.D., 12), the decision in *Mordaunt v. Moncrieffe* was extended to the case of a lunatic petitioner, and it was fully and finally established that *supervening* insanity does

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not arrest the progress of a suit for dissolution of marriage whether the patient is petitioner or respondent. The case of Lady Mordaunt did not, however, dispose of the question whether, and if so to what extent, the insanity of a respondent at the time of committing the acts of cruelty and adultery alleged against him would constitute a legal defence to a suit for divorce. This question, although constantly arising in private practice, was brought before the courts judicially for the first time in the beginning of the present year in the case of *Yarrow v. Yarrow* (1892, P. 92). In so far as it is necessary to state them, the facts were these. The parties were married in 1874. Shortly afterwards they went to Monte Video, where the petitioner was engaged in business as a corn merchant, and remained there till 1886, when they returned to England and ultimately settled in Herefordshire. There was no issue of the marriage. On the voyage out to South America the respondent confessed to her husband that before her marriage she had lived an immoral life for two years, and had contracted a disease. Up to the year 1890 they lived happily together, but in that year the respondent's feelings towards her husband underwent a complete change. She came up to town in July, 1890, to consult a doctor, took lodgings in Brunswick Square, and was proved by the landlady to have repeatedly committed adultery with men whom she brought in from the street. The respondent then wrote a letter to her husband, telling him that she had committed adultery, and intended to do so again, and suggesting that he should take proceedings with a view to obtaining a divorce. It appeared that she was labouring at this time under an insane delusion that her husband was endeavouring to poison her, and committed adultery with the knowledge that it might, and in the hope that it would, be the means of bringing about a divorce. Under these circumstances the question arose whether insanity of this description constitutes a valid answer to a suit for divorce. Sir Charles Butt held that *if the analogy of criminal law applied to such proceedings at all*, a point on which his lordship entertained doubt but expressed no positive opinion, then the respondent knew the nature and quality of her act, and that it was wrong within the meaning of MacNaghten's case, and consequently her insanity was no defence to the husband's petition. In *Hanbury v. Hanbury*, substantially the same question arose for judicial decision. In this case Clara Mathilde Hanbury petitioned for the dissolution of her marriage with Ernest Osgood Hanbury, on the ground of his

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alleged adultery and cruelty. The acts complained of were scarcely, and at all events were not successfully, denied, and the only material defence was the plea of unsoundness of mind. Sir Charles Butt again expressed grave doubts whether such insanity as would entitle an accused person to an acquittal on an indictment for a crime would constitute a valid defence to a suit for divorce on the ground of adultery, held that, even if these doubts were ill founded, only evidence of "a lasting and abiding disease, something different from recurrent insanity, something requiring permanent incarceration," would support the plea, and left the general issue to the jury in the terms of MacNaghten's case. The jury found a verdict for the petitioner, and the learned judge entered judgment in his favour. The respondent appealed to the Court of Appeal, consisting of Lord Esher (the Master of the Rolls), and Lords Justices Lindley and Kay. The discussion, to which the present writer had the pleasure of listening, pursued the following course. At the outset of the argument, the Master of the Rolls took his stand upon the rules in MacNaghten's case, and finally put to the learned counsel for the respondent, Mr. Lockwood, Q.C., the following question. Suppose that a man under the influence of *folie circulaire*, accompanied, as you say it often is, by an irresistible sexual impulse, outraged a woman? Suppose that he knew what he was doing, and showed that he felt it to be wrong by immediately afterwards leaving the country. What is the law applicable to such a statement of facts? After some ingenious fencing with the question, Mr. Lockwood, who certainly did his best for his client, was obliged to answer, "I suppose it is governed by the *Queen v. MacNaghten?*" One was tempted to regret that the honourable and learned gentleman did not—following the lines suggested by Sir James Stephen—attack the authority and impugn the ordinary judicial interpretation of the rules in MacNaghten's case themselves. But he evidently felt and shrank from such a hopeless task. Lord Esher then proceeded to deliver judgment. Reserving the question whether recurrent insanity can, under any circumstances, constitute a valid answer to a suit for divorce, his lordship, to the obvious satisfaction of a large legal audience, proceeded to criticize *folie circulaire* and irresistible impulses, and then affirmed roundly (1) that scientific evidence, *though* uncontradicted, is not binding on a jury, and (2) that every man who, in committing a culpable or criminal act, knows its nature and moral quality, is responsible to the law whether his mind is or is not



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affected by disease. Lord Justice Lindley went even further, and distinctly held that—since the Divorce Court exists for the protection of husbands and wives from each other's misconduct, and since the victim of recurrent insanity could not be confined in an asylum during the intermission of the disease—to allow this species of mental unsoundness to be a defence to a suit for divorce would be to negative the protection that the legislature intended to confer. If this ruling is upheld, the substantive law of insanity and divorce may now, probably, be stated thus:—Insanity is no answer to a petition for divorce unless (*a*) it prevented the respondent from knowing the nature and quality of his acts within the meaning of the rules in MacNaghten's case, *and* (*b*) is of such a character as to require the permanent incarceration of the respondent. The *authority* of MacNaghten's case will no longer be questionable in any tribunal short of the Privy Council and the House of Lords; but the *interpretation* of the phrase "know the nature and quality of his act" may still be open to forensic argument.

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*Gall-Stones in the Insane.* By CECIL F. BEADLES, M.R.C.S., L.R.C.P., Assistant Medical Officer, Colney Hatch Asylum.*

Gall-stones are stated to be most common in females of advanced years by all writers on the subject, but is the frequency of their occurrence in such cases fully recognized? There is a further question, one which more immediately affects the medical officers at asylums, and which it is possible to have answered. Do gall-stones occur more commonly in the insane than in others, and is it possible for insanity to have any influence on the formation of biliary concretions?

The second question arises from the fact that in making post-mortem examinations on the bodies of the insane (females), I was early struck by the great frequency with which gall-stones were found, and accordingly commenced to collect them with a view to discover what relation, if any, they bore to insanity. Although my numbers are as yet somewhat small, still I think they may be of interest. I hope, however, that I shall have an opportunity later, with more data to hand, of giving further information on this subject.

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