tion of Pastor v. Bodelschwingh at Bielefeld,* it would have been a disgrace to our own country had nothing been done for sane epileptics in the manner now witnessed in the new colony in Buckinghamshire. The actual therapeutic results will, likely enough, be exaggerated with the pious hope of obtaining liberal subscriptions from the public, but we doubt not that the good effected will be of a substantial character.

Judicial Lunacy Orders.

In view of the uncertainty which exists among medical men as to the position of magistrates "specially appointed" to exercise the powers conferred on "the judicial authority" by the Lunacy Acts, and, we may add, in view of the very singular ideas which some of these magistrates themselves appear to entertain with regard to the manner in which their duties may be discharged,† we propose to state briefly what we consider the law on this important subject to be. Under the Lunacy Act of 1890, section 9—re-enacting section 2, sub-section 1 of the Lunacy Act, 1889—the powers of "the judicial authority" (as to reception and urgency orders) are to be exercised by "a justice of the peace specially appointed as hereinafter provided, or a judge of county courts, or magistrate, having respectively jurisdiction in the place where the lunatic is." It is with these specially appointed magistrates that we here propose chiefly to deal. They are appointed annually by the justices of every county and quarter sessions borough (section 10, sub-section 1) at their Michaelmas quarter sessions or October special sessions respectively (*ib.* sub-section 2), or in default of such appointment, by the Lord Chancellor (sub-section 3); and provision is made for interim appointments in the case of insufficiency, or of the death, absence, inability, or refusal to act of any of these specially appointed justices (*ib.* sections 3-6). The Lunacy Act of 1891, section 24, carries matters a little further. It provides—meeting a difficulty which had been pointed out, viz., that a magistrate having jurisdiction in the place where the

* See Journal, Vol. xxxviii., p. 214, etc. The same number contains a notice of the colony of the Countess of Meath.

† *Cf.* Letter, "In Search of a Magistrate," in the last October number of this Journal, p. 708.

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lunatic is might not be available—for the exercise of the powers of the judicial authority by a specially appointed justice whether he has such jurisdiction or not (sub-section 1), and for the transfer of petitions for reception orders from one justice to another independent of the existence or non-existence of such jurisdiction (sub-section 2).

Here are the sub-sections in full :—

24—(1.) A Justice of the Peace specially appointed under section 10 of the principal Act may exercise the powers of the judicial authority under that Act, notwithstanding that he may not have jurisdiction in the place where the lunatic or alleged lunatic is.

(2.) A judicial authority may, if he considers it expedient, transfer a petition for a reception order presented to him to any other judicial authority who is willing to receive the same, whether such other judicial authority has or has not jurisdiction in the place where the lunatic is, and such other judicial authority shall have the same powers as the judicial authority to whom the petition was presented would have had.

(3.) A reception order made after the passing of this Act shall not be invalid on the ground only that the Justice of the Peace who signed the order shall appear to have not been duly appointed under section 10 of the principal Act, if the order *is within fourteen days after* its date approved and signed by a judicial authority.

No fresh legislation on the subject has taken place. Like most of the other disputable sections in the recent Lunacy Acts, these provisions do not seem to have yet been made the subject of any authoritative judicial exposition. But one thing at least is perfectly clear. The "specially appointed" magistrates have no right to exercise the powers committed to them arbitrarily. They constitute not only an "authority," but a "judicial authority," and they are bound to act judicially. Whatever may be said as to the judicial supervision over the grant of reception orders introduced into our lunacy law by the recent Acts, it was certainly not intended to have the effect of setting up a number of independent and irresponsible magistrates, entitled to take holidays without making provision for the discharge of their duties in their absence, or to transfer petitions for reception orders irrespective of the convenience of applicants or the health of patients, or to interpose unreasonable and excessive delays between the presentation of petitions and deciding upon them. If any misconception upon these points exists, there is a simple and effective means open to aggrieved persons of removing it. Let the matter be brought in

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detail, and with proof, under the notice of the Lord Chancellor. Specially appointed magistrates are no doubt elected officers, but they are required to be justices before, and as a condition precedent to, their election; and the Lord Chancellor has the power at any time to remove them from the commission of the peace, to their place on which they owe their eligibility for special appointment. It is to be hoped that on any fresh outbreak of the disorders to which our correspondent in his letter "In Search of a Magistrate," published in our last number, referred, this remedy will be promptly tried. The new Lunacy Acts are a very clumsy and unsatisfactory piece of legislation. But there is force enough in the existing law to prevent the time of medical men, and the best interests of insane patients, from being the sport of inferior magistrates who are either ignorant of their duties, too careless to perform them, or who are out of reach for nearly the whole of the day.

One remedy which should be embodied in an amendment to the existing Lunacy Act, is that of permitting the same Magistrate who signs an order for the reception of a patient without having personally examined him, to visit the case in the asylum to which he has been admitted, if he has filled up the form required when a patient claims his right of being examined by a Magistrate. The Act requiring a *different* Magistrate in these instances frequently occasions difficulty and delay. If this change were made, and if it were required that Magistrates empowered to sign Reception Orders should communicate with their colleagues when unable to perform their duties in consequence of illness or absence from home, the existing difficulties now justly complained of would be materially lessened.

In order to stop the dilatoriness of these Justices a new clause should be inserted in any future Act, with a penalty attached if any unnecessary delay occur in making the order after the other legal documents are placed in their hands.

It would be extremely easy to give instances of what can only be designated as Justices' stupidity regarding the signing of orders for private patients—of two who signed orders founded on one medical certificate, of another who refused to make the order at all because one of the medical men had made some alterations in his certificate, but our space does not allow of it.

The documents of reception in their present form are far too complicated for ordinary people, and are often a grievous

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trouble to their poor relatives. The petition should certainly be simplified. Few, according to our experience, are ever correctly filled up, and the subsequent amendments give no end of trouble.

One of the first cases admitted under the new Act into an asylum with which we are acquainted, had been under certificates when the old Act was in force. Her sister, a schoolmistress, on the completion of the various certificates, made this remark:—"If the new Lunacy Laws had been framed to drive sane people out of their wits I could have understood them." Others who have had similar experiences will undoubtedly agree with her.

Dry and Wet Packs.

Having a decided opinion in favour of the judicious employment of hydropathic measures in the treatment of the insane, including the careful use of the dry and wet pack, we are afraid that the recent death of a patient who was placed for a considerable time in the former, while labouring under maniacal violence, will exercise a very injurious effect in inducing the medical superintendents of asylums to forego its employment in the treatment of patients under their charge, from fear of possible results and consequent blame. True, this would be illogical, but unfortunately this is no reason whatever against such a course being pursued, as in most other human affairs. At any rate, the logic, such as it is, in which the interests of the patient may be sacrificed to the legal danger facing the physician, is natural, for he argues that if an accident should occur to a patient treated by the dry or wet pack he will be blamed. Some time ago we took pains to inquire of asylum superintendents what their practice had been in this respect. The slight degree in which the pack in any form was found to be in use was strikingly elicited, the reasons alleged for this being various. It was obvious, in some instances, that the attention had never been directed to hydro-therapeutics in any shape; nothing beyond the ordinary bath had been employed, and that for the purpose of cleanliness, and not in the slightest degree for treatment. The prolonged bath had never been in use. Packing patients had been regarded as altogether out of the question.

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