Lowe v. Fox.

We are glad to see from the papers that Mrs. Lowe has failed in her action against Dr. Charles H. Fox of Brislington House. The case came on for trial during the winter assize at Taunton, on 22nd January, 1885, before Mr. Baron Pollock and a special jury.

The plaintiff, Mrs. Louisa Lowe, claimed damages against Dr. Fox for having maliciously, and without reasonable and probable cause, assaulted and imprisoned her on the 27th September, 1870, and having detained her until the 15th February, 1871.

The defendant denied the alleged assault and imprisonment, and pleaded—(1) That at the time of the alleged assault and imprisonment he was simply a salaried medical officer, and superintendent of Brislington House Asylum; (2) That the plaintiff was admitted by the proprietor of the asylum into Brislington House, which was a duly licensed asylum, under an order for her reception by her husband, accompanied by medical certificates, as required by the Lunacy Statutes; and (3) That, by sec. 99 of the Lunacy Act, 1845, a proper order of admission, accompanied by the required medical certificate, is sufficient to protect a licensed asylum proprietor in receiving patients; that, by sec. 105 of that Act, any action or suit brought against any person for anything done in pursuance of that Act, shall be commenced within 12 months of the release of the party bringing it; and that, by the statute 21 Jas. I., c. 16, sec. 3, all actions of *inter alia*, assault and imprisonment, shall be brought within four years next after the cause of such action or suit, and not after.

Before the action came into Court, it was admitted, on behalf of the defendant, that, subsequently to Mrs. Lowe's admission to the asylum, the answer to the question "when and where previously under care and treatment," contained in the statement attached to the order of admission, was altered by the addition of the words, "for hysteria, by Dr. Conolly, Hanwell, Dr. Mackintosh, Torquay, and Dr. Mannoir, Geneva, &c."

The answer originally stood, "during this period of 20 years has been constantly under treatment." It was also admitted that the copy of the order of admission sent to the Commissioners in Lunacy, within the time required by the statute, did not contain the before-mentioned addition, and that no copy containing such addition was ever sent to them.

On behalf of the plaintiff, it was argued by Mr. Bassett Hopkins that the order of admission was irregular and invalid. The order of admission, he said, was not a "proper order," and, therefore, the receiving and detaining of the plaintiff in his asylum was a trespass, and the defendant could not rely upon the 99th section of the Lunacy Act of 1845 (8 and 9 Vic., c. 100) as a defence to the action.

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Mr. Hopkins also contended that hysteria was not insanity, and that the order of admission was also on that ground defective.

After Mrs. Lowe had given her evidence in chief, it was submitted, on behalf of Dr. Fox, that the order of admission was a proper one.

Baron Pollock, in giving judgment of nonsuit against the plaintiff, held that the order was a proper one. His Lordship said that the three particulars in the statement, (1.) Whether first attack? (2.) When and where previously under care and treatment? (3.) Duration of existing attack? should be answered to the best of the knowledge and information of the person signing it; and, in testing the propriety of the answers, these three heads of particulars should be read together: further, that, so far as the evidence went, there was nothing to show that Mrs. Lowe's husband, who signed the order of admission and the statement appended to it, had not given, *bonâ-fide*, the best answers within his knowledge: that it was clear that the medical certificates of the certifying doctors, which were also appended to the order of admission, were, together with the order of admission, a justification for the reception and detention, by Dr. Fox, of Mrs. Lowe; and that Dr. Fox was, therefore, entitled to succeed in the action. Other questions immaterial to this report were also decided in favour of Dr. Fox. The case is now on appeal, when the law on the subject will, it is hoped, be finally settled, as the cases on the subject are by no means consistent, the better opinion being, apparently, that if the person signing the statement does so *bonâ-fide*, the Court will not look too closely to the exact sufficiency of the answers. Otherwise it must be admitted that no inconsiderable number of patients are at the present time in confinement with "Statements" which would by no means bear very critical examination.

Recent Researches into the Functions of the Mesial Surface of the Cerebral Hemispheres.

In the "Proceedings of the Royal Society," No. 231, 1884, is a communication by Professors E. A. Schäfer, F.R.S., and Victor Horsley, F.R.C.S., on the "Function of the Mesial Surface of the Marginal Convolution" (including, of course, the paracentral lobule of Betz), which calls for notice in the pages of this Journal. The uppermost or marginal convolution on the mesial surface of the cerebral hemisphere is really the side of the superior frontal gyrus, and is also the side of the anterior half of the parietal lobule, since it is limited below by the calloso-marginal sulcus, which terminates posteriorly by turning upwards towards the upper margin of the mesial surface at a point about opposite the middle of the parietal lobule.

Thus we should regard this mesial portion of the cortex cerebri as really belonging to the excito-motor region, but up to the time of the

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