Lunacy Prosecutions.

Prosecutions based on Section 315 of the Lunacy Act have been so frequent that this particular legislative item has obtained an unenviable notoriety, and would seem to demand serious consideration, either with a view to amendment or to more reasonable interpretation.

This section (315) provides that "whoever for payment . . . takes charge of, receives to board or lodge, or detains a lunatic or alleged lunatic," is guilty of a misdemeanour, etc. etc.

Lunatics, or persons of unsound mind, as the ordinary certificate of insanity clearly shows, are of two kinds: the one certifiable, who requires "to be taken charge of and detained under care and treatment;" the other not certifiable, who does not require to be detained.

As the section stands both classes of lunatics are included under it, and a little consideration demonstrates that, in relation to the law, the uncertifiable lunatic is in a parlous state, and is a legal danger to all who have to do with him.

The uncertifiable lunatic who, under medical advice or otherwise, goes to the health resort, involves the hotel, lodging- or boarding-house keeper in a breach of Section 315.

If he takes a relative and pays his expenses, or hires a companion, they become liable to prosecution; and wherever they stay or lodge, the proprietors are also liable.

The uncertifiable lunatic, if he stays at home or with relatives and makes any "payment" for his maintenance, renders even his relatives liable to prosecution. Quite recently one brother was in this way prosecuted for taking charge of another.

The only legal alternative for the uncertifiable lunatic is to stay at home a burden to his friends, or to go as a voluntary boarder to an asylum. This is a hard alternative, for the idea of going to an asylum is harmful to the majority of such cases, and home associations are those which are often most prejudicial.

The section includes also "alleged lunatics," but the Act nowhere defines this term; it would seem very desirable that if it has a meaning it should be explained, and if it has not that it should be deleted. If a person is a lunatic the allegation

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of lunacy would appear to be superfluous, and the term meaningless; if, on the other hand, it means a sane person against whom the allegation of lunacy is made, its application would become inconveniently extensive, to say the least.

The prosecutions under this section, however numerous, have done little in elucidation of its true scope. The finding of the jury in the Eastbourne prosecution is perhaps the exception. The verdict in that case indicated clearly that anyone may take charge of a lunatic for pay, provided that the patient is not treated as a lunatic.

This decision is diametrically opposed to the wording of the section, and would make its object the prevention of a sick person from obtaining proper treatment, which would be absurd.

The interpretation of the section accepted by the lunacy authorities, as indicated by recent prosecutions, does not seem much more reasonable than that of the jury. According to this the person of unsound mind who is not certifiable, and who has no friends able or willing to maintain him, would have no alternative but to become a voluntary boarder in an asylum—a result that could not have been contemplated by the framers of the section.

Lunatics at the time of the drafting of the clause were very unkindly treated; and it was probably framed to prevent improper treatment and neglect, rather than to interfere, as its present interpretation does, with treatment that is kind, judicious, and advantageous to the patient, both for health and monetary reasons.

Lunacy legislation in recent years has given a practical monopoly to the lunatic hospitals and private asylums, and these prosecutions would seem to be undertaken in the interest of this monopoly.

These institutions are very admirably managed, and have highly experienced physicians, but it must be remembered that there are many physicians of equal experience who are debarred from using their knowledge and experience in the service of the public by reason of this monopoly. It would at least be desirable that these physicians, unconnected with asylums, should have some opportunity of treating the early stages of mental disorder without the risk and danger of prosecution that at present attaches to any treatment of the

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mentally afflicted, apart from certificates and asylums. The recent bankruptcy and suicide of a medical man, as a result of one of these prosecutions, in which there was no doubt that the patient was kindly and advantageously treated, is a good example of how to deter all persons of experience and standing from such work, with the result of driving certain cases into unsuitable hole-and-corner treatment.

The term "lunatic" occurs in the section, and we have consequently used it, but it is a term that should be abolished from the *Act* and the *section*, the term unsound mind being everywhere substituted.

"Lunatic" savours too much of the mediæval idea of insanity being something apart from ordinary disease. Indeed, although "diseased mind" is a term open to objection, it would be better than "unsound mind," as more clearly indicating and keeping before our legislators and legal administrators the fact that "insanity" is not crime, and is disease.

Archives of the Pathological Laboratory of the London County Council.

This valuable and important contribution to medico-psychological literature has not as yet received separate consideration in the pages of the JOURNAL. This has not arisen from any want of recognition of the great advance which it connotes in the attitude of so important a body as the London County Council to medical science, or from want of appreciation of the high character of the work recorded, but from the fact that it was thought desirable that the individual contributions should be dealt with in detail, and the volume as a whole has thereby escaped comment. Notices of some of the papers contained in the *Archives* appear in the present issue, and more extensive digests will appear in April.

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