

Aldrich. Technical terms are kept in due subordination to common language. Accordingly, though the work be intended for a University class-book, it will do perfectly well for a self-teaching student in the wide world; and, of all books equally good, it is the shortest.

11. Mr. Venn's work on the logic of chance is rather a misnomer; for, the meaning of the word once settled, he and his opponents agree in mode of deduction. There are two views of probability; the subjective, and the objective. In the subjective view, the word really means *brief*: and the questions which arise are such as this: If I have this degree of belief in event A, and that degree of belief in event B, what degree of belief ought I to feel that both will happen? In the objective view, the notion is derived from the *long run*, from the state of the cases: and the question is, if such a fraction of possible events contain A, and such another fraction contain B, what fraction will contain both A and B? Mr. Venn favours the second view, the *material* he calls it; in opposition to the first or *conceptualis* view. But we should be afraid, without reiterated examination and long description, to state his theory with attempt at precision: he is too long, and is not given to distinct summary; the nearest approach is in the 'Table of Contents.' For ourselves, we admit both views, each in its proper place, and in proper connection: and of course we do not agree with Mr. Venn in his contrasts and his oppositions. His book is one more attempt to put the subjective at war with the objective, and to make one destroy the other. No such attempt will succeed. Time and space will be both, in spite of Kant; chance will be both, in spite of Mr. Venn.

12. Dr. Bayma is a Jesuit employed at Stonyhurst. He has shown himself by previous publication, profoundly versed in the old philosophy: and he has given, in a paper on his subject in the Monthly Notices of the Royal Society, plenty of proof that he is a profound mathematician. He now gives a more extended view of his theory, which is nothing less than an attempt to deduce chemistry from molecular action, the shapes of the molecules having a great deal to do with the matter. We might be able to pronounce an opinion after a few months of study, or we might not: but beyond doubt we shall not attempt to judge as we are. The molecular theory is, most surely, destined to be a great branch of human knowledge; but it may be doubted whether the contemporaries of its Newton, when he shall appear, will know what manner of prophet has arisen.

And thus we end our list. We only aim at giving our readers an *aperçu*, as the French say, which may make one or another think that the book he wants is perhaps within his reach. In the meanwhile, the harvest is growing. —*The Athenæum*.

A Chancery Lunatic.

THE admirers of Mr. Reade's novels are familiar with the opinion which he holds, that the law of lunacy is systematically made an instrument of oppression and wrong. Indeed, it would appear that this opinion is not held by Mr. Reade exclusively. There is, or was, in existence a Lunatic's Protection Society, which was got up by a gentleman who had been confined, as he considered, wrongfully in an asylum. Cases constantly occur in which it is alleged, not only by lunatics, but by some of their friends, that restraint is cruel and unnecessary. Evidence is usually forthcoming in such cases that the person so restrained is, in the opinion of the deponents, rational and inoffensive, and, in fact, a person whom it would be rather pleasant than otherwise to have for an inmate of one's house. Such evidence may, at the

time it is given, be difficult to explain or contradict, but it has happened before now that lunatics have become convinced of that lunacy which their friends have doubted, and have voluntarily returned to the very condition of restraint from which well-intended, but mistaken, efforts have delivered them.

The story of a protracted case of lunacy may almost always be told in two ways, and it may be interesting to take a case which lately came before the Court of Chancery, and look at it first from the popular and sentimental, and afterwards from the legal point of view. Assuming as much as we can of the mental attitude of the sensation novelist, we will begin by stating that Mr. James Tovey, now aged 38 years, was educated at Eton and Oxford, and afterwards at St. Bees' College, being destined for holy orders. In 1853 Mr. Tovey, being then 24 years of age, was residing for the vacation at Deal, where he formed an attachment to a young German lady. His father, Colonel Tovey, hearing of this affair, ordered him to London, and shortly afterwards placed him in a lunatic asylum in Epping Forest, where he remained upwards of three years. Whether he at that time showed lunacy only by falling in love with the young German lady, or by other and what signs, we are not informed. In 1856 he was removed to another asylum near Stafford, which is managed by Dr. Hewson, and he remained there about five years. Early in 1862 the trustees appointed by his father, who was now dead, acting under eminent advice, caused him to be removed to the private residence of a surgeon at Dover, where he enjoyed free exercise in the open air. After a year's trial of this mode of life it was considered expedient to relieve him from all restraint, and to allow him to reside with his sister, who, after occupying one or two temporary abodes, went to live in October, 1863, at Goring, in Oxfordshire. The life which he was permitted to lead at Goring seems to have agreed with him very well. He was almost constantly rowing on the Thames, which flows past the village, and he was very active in skating and swimming during the appropriate seasons. The inhabitants of Goring and the adjacent villages have testified that Mr. Tovey's conduct while he dwelt among them was quiet, harmless, and, according to their judgment, sane; and there seems to have been no reason why Mr. Tovey should not have been dwelling among them still, but, unhappily for this poor gentleman, his uncle died last year, and he succeeded to a large fortune, which caused the Court of Chancery to take an increased interest in the disposition of his person and estate. On the 24th of February, 1866, Mr. Tovey was taken to the asylum kept by Dr. Hewson, near Stafford, where he had been confined before. On the 4th of March following his uncle died, and he became entitled to what may be called, in a new sense, *damnosa hereditas* in the shape of an entailed estate amounting to about £2000 a year, and a sum of £60,000, which had been accumulating for the purchase of other estates. On the 4th of May a Commission of Lunacy was held at the asylum, by a Commissioner, without a jury, and without the presence of any lawyer on behalf of Mr. Tovey, and he was found a lunatic.

But the strangest part of this story is yet to come. On July 28th Dr. Hewson took a number of his patients, among whom was Mr. Tovey, to Scarborough, for the benefit of sea-air and bathing. He was allowed to wander at his will all day, giving a promise to return at night. During his wanderings he met a lady. First he looked, next he raised his hat, and then he spoke. The lady did not repulse this overture, and why should she? Many flirtations, producing some marriages, arise at Scarborough; and if there is to be no beginning, it must be impossible to reach the desirable end. We believe that the correct thing is for the gentleman who seeks the introduction to make acquaintance with the lady's brother or other male friend, which may be done while bathing, or by offering or asking a light for a cigar. But if the

lady has only female friends it would seem that her admirer must keep his admiration to himself, and see her complete her month's visit, and depart without having told his love, unless she should happen to drop her glove upon the esplanade, or meet with some other accident which may justify interposition on her behalf without the previous ceremony of introduction. It appears that in the case under consideration the lady had a brother; so, if Mr. Tovey had been patient, he might have attained his object with strict regard to conventionality. But Mr. Tovey was not patient. He spoke to the lady, and she did not refuse to listen. But we know that little sins lead to great sins, and accordingly this lady, who had been less regardful than she should have been of the conventional etiquette of Scarborough, did not hesitate, a few days afterwards, to commit a contempt of the Court of Chancery. If a young woman does not fear either Mrs. Grundy or the Lords Justices, she is not likely to regard anything that we may say, and therefore we will say nothing. But the beginning having been made, Mr. Tovey proceeded rapidly to the end. He explained fully his position, and stated frankly that he wanted somebody who would take an interest in him and see him righted. The lady did not find that he was mad, but, on the contrary, thought him a very nice young man. Her friends approved the step which she resolved to take, and accordingly, on August 27, a marriage ceremony was performed between her and Mr. Tovey at Claremont Chapel, Scarborough. The bride and bridegroom spent the day together, but Mr. Tovey yielded to the obligation to return to his appointed place with the fidelity of the Ghost in *Hamlet*. At 9 o'clock in the evening he rendered himself at Dr. Hewson's house, and next day he was taken back to the asylum in Staffordshire, so that he saw his bride no more. A secret correspondence was kept up between them for some weeks, but it was afterwards discovered and stopped. The lady's friends, acting on the authority which they allege themselves to have received from Mr. Tovey, have presented a petition to the Lord Chancellor asking that the finding of Mr. Tovey lunatic by commission may be superseded, or at the least that his condition may be ameliorated by removing him from the asylum and restoring him to that enjoyment of air and liberty which was allowed at Goring. They produce evidence of clergymen and other respectable persons among whom Mr. Tovey had dwelt upwards of two years to prove that he is not mad at all, or, at any rate, that his madness is neither dangerous nor disagreeable; and they urge against restraint the argument which has often been urged before, that to put a man into a madhouse is enough to make him mad.

All readers will probably agree that they have now had laid before them the outlines of a story excellently adapted for embellishment by an artist of Mr. Reade's school. Some readers are probably indignant at the treatment which Mr. Tovey has undergone, and expect to be informed that the Court of Chancery has ordered his release. But the Lords Justices, before whom the petition came last week, not only did not accede to it, but testified a strong inclination to do what may be figuratively described as wiping their boots in it. And it is proper to say that the Court had good legal reasons for what it did. The evidence of inhabitants of Goring as to Mr. Tovey's sanity was answered by the remark that there never was a disputed case in which such evidence was not forthcoming. Delusions may exist which may justify the imputation of insanity, and yet the alleged lunatic may mingle in social intercourse without betraying that he is possessed by them. The Court, when called upon to decide between such evidence and that adduced in support of a Commission, may either examine the lunatic itself or may appoint for that purpose a physician of eminent skill who is above suspicion of partiality. In Mr. Tovey's case the latter course had been adopted, and the Lords Justices stated that the physicians' report satisfied them of his

insanity. Whatever else may be said of the jurisdiction exercised over lunatics in Chancery, it must be admitted that the distinguished judges who exercise it are actuated by a conscientious desire to do right. They must either proceed by the light of their own intelligence, or they must seek the best assistance which the medical profession can supply. The popular belief that what are called mad-doctors will prove anybody to be mad is not destitute of foundation. But the Lords Justices can only take medical science as they find it. There is, however, no difficulty in crediting the statement that Mr. Tovey showed himself a month ago to be indisputably mad. The only question is whether, if he was only disputably mad when he lived at Goring, it might not be better that he should be allowed to live there again. The technical answer to this question is that the committee of the lunatic's person is the proper judge of matters relating to his health and comfort, and unless it could be shown that the committee had misbehaved or was unworthy of trust the Court would not interfere. A petition presented in the lunatic's name by friends of the lady who had ventured, in defiance of the Court, to go through a ceremony of marriage with him, was not, strictly speaking, entitled to be heard. Such persons could have no proper *locus standi* before the Court. It was urged that, whoever asked for the lunatic's enlargement, the Court ought to grant it in the hope, which experience showed to be well founded, that his mental and bodily health would be improved. But the Court answered that there was small encouragement to allow liberty, seeing how it had been abused at Scarborough.

The conclusion of the Lords Justices is, from their point of view, irrefragable; but it may perhaps be permissible to draw attention to some considerations which appear applicable to cases of this kind, although they are not dreamt of in the philosophy of Lincoln's-inn. We will venture to ask whether that which was done at Scarborough was really so very shocking as a Lord Justice thinks it? May we be allowed, without disrespect, to hint that possibly the lady before mentioned could manage Mr. Tovey better than the Lord Chancellor and the Lords Justices, with the help of the Masters in Lunacy, secretaries, and clerks? It may be that for this purpose a bonnet covers more true wisdom than any number of full-bottomed and other wigs. We have not before us the medical opinions given upon Mr. Tovey's case, and therefore we shall not presume to form any decisive judgment on it. But we can easily suppose a case which is technically one of insanity; but which, under judicious management, might pass from the cradle to the grave as one of eccentricity or infirmity of character. If a young gentleman who is not very strong in the head falls in love with a young German lady who plays seductively upon a cithern, and if the young lady is willing and the young gentleman's friends can afford to allow them a maintenance, by all means let them marry; and it is probable that during their joint lives the world will hear nothing about lunacy in the gentleman. But parental authority interposes and makes all the son's future life miserable. And when the father's control terminates by his death, the Court of Chancery steps into his place, and, with the best intentions and acting upon established rules, makes the son's last state more wretched than his first. The proceedings in the matter of a lunatic who has a large estate are conducted with all the solemn and cumbrous formality to which English lawyers are so devotedly attached. Such proceedings are profitable to the practitioners concerned, and beneficial to the lunatic's heir-at-law and next of kin, for whom his estate is preserved and augmented, and the only person who suffers under them is the lunatic himself. There can be no question that the Court does its best according to its lights and the powers at its command, but it is easy to conceive a case in which it might heartily be wished that the Court could have let the lunatic alone. The unfortunate Mr. Tovey seems to come near to

realising that which has been sometimes treated as impossible—namely, the case of a man who has been undone by having a large estate left to him. One of the clerical deponents whose affidavit was read to the Court stated that during Mr. Tovey's residence at Goring he regularly attended the afternoon services in the church of the adjoining parish of Stoke, as also the services on the saints'-day evenings in all weathers, "and for these and other reasons he appeared to me to be a devout and religious man." There are, perhaps, people who consider that a man who goes to church on saints' days gives *prima facie* evidence of his insanity; and such people may possibly feel thankful that Mr. Tovey, being immured in an asylum, is protected against indulging a tendency which seems to have existed in his mind towards ritualism. It was gravely propounded on one side as evidence of insanity, and denied on the other, that Mr. Tovey put on board his boat a large image of the Virgin Mary, and rowed it up and down the Thames. But if such evidence could suffice to prove madness, sailors of the South of Europe are, and always have been, mad. Another deponent, who was chief constable and parish officer of Goring, stated that he had been out boating with Mr. Tovey on the Thames, and went with him to the Wallingford regatta. "He rowed me there and back." If Mr. Tovey had been a dangerous lunatic, the worthy chief constable and parish officer would have been in a position calculated to excite lively anxiety in the minds of all inhabitants of Goring. The same deponent says that during all the time he knew Mr. Tovey, which was nearly three years, he always found him to be quiet and orderly. "He never got into any trouble or disturbance, and I never heard him use any violent or bad language." Another important feature in the case was that the only act of violence which was distinctly alleged against Mr. Tovey was one which might very easily have been committed by a perfectly sane man.

It would show very small acquaintance with the character of mental disease to argue from such evidence as has been quoted that the finding of Mr. Tovey's insanity by the Commissioner ought to be set aside. But it is possible that, if Mr. Tovey's rich uncle had not died, he would at this moment have been occupied in aquatic amusements on the Thames on week days, and in going three times to church, at Goring or adjoining parishes, on Sundays. The Lords Justices stated that 700*l.* a year is allowed for Mr. Tovey's maintenance, and that they are satisfied that nothing could be done for his comfort and happiness more than is done at the asylum. It may be assumed as probable that, if Mr. Tovey were allowed to live at Goring as little cared for by the Court as in the days when he was comparatively poor, the sea-nymph whom he met last autumn would become a river-nymph. The result here indicated is doubtless shocking to propriety, and we are quite sure that the wig of any Lord Chancellor, past or present, would stand on end at the bare thought of it. But perhaps the system over which those learned dignitaries preside is a little too elevated and spiritual for the capacity of average human nature. A lunatic cannot marry, and society would call his cohabitation with a woman by an ugly name. There are infinitely various forms and degrees of lunacy, and we must once more guard ourselves against being supposed to pronounce an opinion upon the case of Mr. Tovey. But that case suggests that it is possible for the Court of Chancery to take a man who has a large fortune, and is in the prime of life, but is a little touched in the head, and make a monk of him, and then report to itself that the comfort and happiness of the lunatic have been effectually provided for at the expenditure of 700*l.* a year.—*The Saturday Review*, May 4.