place, although he was an incurable one. As regards treatment by drugs, he thought that the hope to relieve at one sweep, by means of a drug, the accumulated malnutrition of months and years was utterly fallacious, and was simply on a parallel with the search after the "philosopher's stone." That a man who for ten years had been living irregularly, and whose brain-cell nutrition had been out of gear all that time, should be summarily cured by the administration of three or four or forty or fifty doses of drugs, spread over a few weeks, was utterly unhopeful. Such a belief was very much on a par with the negro's belief in his fetish, the negro perhaps having the advantage, as no swallowing was involved.

Dr. HICKS said that there should be some form of a hospital or infirmary, in which some cases, at least, might be treated for a time, in order to see whether infectious disorder might be at the root of the mental disease. Under these circumstances such separate blocks would be exceedingly advantageous, but they need not be upon a large scale. They should be small places, with the object of being tentative.

At this point, the further discussion of Dr. WILKIE BURMAN's paper was adjourned to the next Quarterly Meeting.*

Dr. HACK TUKE exhibited a brain preserved by "Giacomini's method." This specimen which was, so far as he knew, the only one in England preserved in the way he was about to explain, was sent to him from Canada, by Professor Osler, of the McGill University, Montreal. The process of preparation consisted of three or four stages. It was first immersed in a strong solution of chloride of zinc, then, after forty-eight hours' immersion, the membranes having been removed in the solution, it was cleaned and replaced in the solution, until becoming harder, it sinks no longer. It was then placed in alcohol, where it remained for ten or twelve days, being frequently turned over, to prevent deformity, the spirit being changed several times. By that time it would be somewhat shrunk, but on being placed in glycerine for twenty or thirty days it would absorb the glycerine and swell out again. It should be removed when just level with the liquid. It was finished by the application of several layers of gum elastic varnish, or marine glue, diluted with alcohol. But before it was varnished it should be set aside for a few days until the surface is dry. The brain was now hard without being brittle, and showed the form of the convolutions beautifully. The weight of the brain was much the same as at first, and this was a special advantage in this mode of hardening, as by other methods the weight of the brain was considerably reduced. Professor Rolleston had used chloride of zinc and alcohol in his preparations, but he believed he had been accustomed to employ glycerine in addition.

Dr. BURMAN referred to the method of preparing the brain by nitric acid.

Dr. HACK TUKE observed that the objection to that process, as compared with Giacomini's, was that it contracted the brain much more.

SUPREME COURT OF JUDICATURE.

(Common Pleas Division.)

(Before Lord COLERIDGE and a Special Jury.)

NOWELL V. WILLIAMS.

(Summing up of the Judge.—November 13, 1879.)

Lord COLERIDGE—A great deal of the evidence they had heard was really not relevant to the only question they had to determine, and he would pass over it with great brevity. What was the simple dry matter of fact involved in the action? This was an action of assault and false imprisonment. Arthur

* The proposals of the Charity Organization Society, on this subject, has been brought under the notice of the Association at the Annual Meetings, 1877 and 1878. The action of the society was encouraged, in general terms.—EDS.

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Henry Nowell was the plaintiff, and George Williams, his brother-in-law, was the defendant. The plaintiff said he was assaulted—not violently, but by being arrested—in February, 1877, when the first two certificates were obtained, and again in March, when the re-examination and re-certification were made at the Midland Hotel, and he said he was also assaulted in Suffolk and again at York, after his two escapes from the asylum and recapture. For these four separate assaults and false imprisonments the action was brought. The whole defence arose on the plea that at the times stated the plaintiff was of unsound mind, and a man who was dangerous to himself and to others, and that he had been detained on two certificates as required by the law. In a further plea the defendant said that at all events he honestly believed that the plaintiff was of unsound mind, and that therefore he was justified in doing what he had done He had to tell them that the latter plea was no defence. To defend himself successfully the defendant was bound to establish by proof the fact which he alleged—namely, that on the four occasions in question the plaintiff was a dangerous lunatic. If he had not established that fact, he must fail. Now, without referring to the defendant, he would suppose a case in which a man acted humanely and kindly in setting the law in motion—he did so at his own peril, and was bound to show not only that he was well-minded, but that he had acted legally and that the man he placed under restraint was *a dangerous lunatic.* Excellence of intention and purity of motive was no defence in an action of that sort—that was established law,decided in the case of "Fletcher v. Fletcher," of which they had already heard. It was true that the statute contained a provision to the effect that if the law was properly observed its protection should be extended to those who set it in motion. If they acted in accordance with the requirements and provisions of the statute, then *bona fides* was a complete defence. The real question, therefore, was this—was the plaintiff a dangerous lunatic when he was confined in the asylum? The plaintiff said, "I never was insane." The defendant replied, "You always were a dangerous lunatic." The question was not to be decided by this or that particular fact, this or that entry, or this or that bit of evidence. Taken altogether, did the plaintiff make out that he was a sane man? Taken altogether, did the defendant make out that the plaintiff was at the times named insane? In an ordinary case it lay with the plaintiff to establish the issue; but in that case, without denying that the plaintiff had to establish that he had been assaulted and falsely imprisoned, still substantially the burden of proof lay on the defendant. The subjects of the Queen being sane, were not to be shut up. Here was a subject of the Queen who had been locked up by the defendant, and the defendant could only defend himself successfully by showing that at the time he locked the plaintiff up he was a dangerous lunatic. A great deal had been said, not unnaturally, not blameably, as to the manner in which the plaintiff had been treated, that his brother-in-law had employed doctors who had acted extremely improperly, and had not observed the law. Now, it was his duty to inform them that that was in one sense irrelevant. Assuming that there had been ill-treatment, haste, and evasion of the law, as had been vehemently and powerfully urged, it was irrelevant, because if a man was insane and dangerous, he did not cease to be a madman because he was shut up hastily, unkindly, arbitrarily, even cruelly if they would, although that was not alleged. The question was one substantially of sanity or insanity. He quite agreed with the Solicitor-General that in a certain sense the treatment of the plaintiff was a material circumstance for their consideration. It was so in this way. It might be that the way in which the imprisonment of the plaintiff was procured and the mode in which he was treated by those who were the chief actors in the shutting of him up, might throw a very considerable light on the whole proceeding, and therefore upon the great question whether he was insane, for if the conduct of those who shut him up showed *mala fides*, it would be strong and cogent evidence in favour of the plaintiff, as showing that they

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were actuated, as the plaintiff alleged, by unworthy motives. But the question of treatment was not relevant if they believed that the plaintiff was at the time a dangerous lunatic ; but he told the jury that the man who put the law in force was answerable for the consequences, and, if the person was not insane, answerable also for any violation of the law on the part of those he employed. It might be that the action of the defendant was most proper, and that the action of the two doctors first employed was most reprehensible, and that for that reprehensible conduct the defendant was not answerable. They had been addressed on this footing—that the plaintiff was sane, and that they were to find for him because the law allowed persons to do acts of which they could not approve. But they were not there to pass any censure upon the law. If the law were a shocking one and capable of abuse, as indeed all laws were, that was a good reason for an alteration of the law, but that was not a topic which could properly be urged before a jury. They were also subject to the operation of the law, and if it was a bad law, let them do their utmost to get it altered; but they were not to blame a defendant who acted according to the law if that law worked towards a particular plaintiff some injury. But it seemed to him that, so far from there being any great ground of complaint of the present state of the law, without at all saying that it was perfect, he thought that if they looked back to the history of the lunacy laws they would find that, far from there being anything in them discreditable to the country, or to Parliament, there was a great deal to show to any right-thinking man that those laws were creditable to the country and to Parliament. If they came to the conclusion that the plaintiff was sane, then all that was done presented grave cause for complaint. But there were two sides to every case. If they came to the conclusion that the plaintiff was a proper subject for detention, how was the defendant to blame if they thought that the detention was somewhat summary, or, if they pleased, was wrongly brought about ? The proprietors and keepers of lunatic asylums were human beings, with passions and tempers and all those feelings which men and women possessed ; and they all knew that even persons who were sane were sometimes exceedingly provoking. It might be that people confined in asylums were sometimes harshly and cruelly treated, and that was matter for grave and deep indignation ; but it was not a matter that was charged against Northumberland House, or anyone connected with it or with the case. Now, what had the defendant done ? He heard that his sister, to whom he was most tenderly attached, had been outraged and insulted by her husband in the most extreme manner, and as to some portion of the insult the plaintiff still persisted in it, and before the jury maintained the truth of some of the most offensive imputations he had made against his wife. The defendant heard that his sister's home was utterly wretched, and her life was rendered intolerable ; that the plaintiff's moderate fortune was being squandered, and that his business was neglected. He knew that all this led to the great injury of the family, and at last it reached him that the life of his sister, if not attempted, had been threatened by the plaintiff. She gave him a most piteous account, if it were true, of outrages to which she had been subjected in July, 1875, and in July and December of the following year. What could be more wretched and melancholy than the accusation as to fifteen men being in her bedroom ; of a man being under her bed ; of a man being in bed with her and her daughter ; of a private detective consulting with her in her bedroom in the middle of the night ? If they credited her evidence, what could be worse than the filthy names he called her, and that at a time when, rightly or wrongly, entertaining a belief that he was spied upon, followed, and watched, he carried about with him a loaded revolver ? What was the brother to do under these circumstances ? He determined to take steps for the protection of his sister, who had left her husband's house for his, and that for the second time. He would now refer them to the evidence, of which they were the sole judges, confining himself as

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much as possible to undisputed facts—facts proved or not contradicted, and to the documents in the case. His lordship then drew attention to a letter which the plaintiff wrote to his wife after she had left his house, in which he said—"Your return is impossible, and would be dangerous." "I will not be answerable for the consequences;" adding, "So beware." For his part he could not explain what the meaning of that letter was if it did not mean that if she returned to her home her life would be in danger. Then, again, did they believe the assertion of the plaintiff, deliberately made in a letter he wrote, that William Lawrence was in bed with his wife and daughter? Did they believe—it was entirely for them—that such a charge was consistent with sanity or safety? Of course, if they did, then it accounted fully for all the indignation which the plaintiff exhibited. Did they credit the statement of the plaintiff that fifteen men were in his wife's bedroom—that he saw a man under her bed? He offered no opinion upon the subject. The duty and responsibility of doing so rested with them. Mr. Nowell, in the witness-box, did not shrink from the expression of his belief—he asked for the verdict of the jury on his belief that his wife was guilty of immoral conduct. If she were, then the violence of his conduct was amply accounted for. If, on the other hand, they regarded the accusations as unfounded, and that the plaintiff was labouring under a delusion, then, of course, he was irresponsible and they could only pity him; but if they held those accusations to be inherently and monstrously incredible, and that Mr. Nowell when he made them was sane, then no words of his could describe the iniquity of the man who could make such incredible charges and persist in them. The evidence of Mrs Nowell had been confirmed by the two servants, Mary Ann Griffin and Anne Bacon. They were not now Mrs. Nowell's servants, and the jury would have to conclude whether they were telling the truth or were deliberately committing perjury. They would not lose sight of the fact that several medical gentlemen had been called to express their opinion, as they had done, that Mr. Nowell was sane. Perfectly honourable and intelligent gentlemen they were he frankly admitted. They had, on the other hand, letters of Dr. Nowell [several of which his Lordship read], and they would have to say whether they did not furnish cogent evidence that at the time they were written the writer was a man of unsound mind. The Solicitor-General had urged that while no one had an interest in locking up pauper lunatics, it might be very different in a case where property was concerned. But here the property was very moderate indeed; and who had an interest in locking up Mr. Nowell—who could benefit by it? Certainly not his wife and five children, who were interested, on the other hand, in the professional income which would be cut off by the confinement of the plaintiff. Not Mr. Williams, for it was not pretended that he could benefit pecuniarily to any extent whatever; and they knew he had been put to the heavy charge of supporting his sister, Mrs. Nowell, and his five nephews and nieces. From the course that was taken, as a matter of fact, no one of the parties could be benefited to the extent of a single farthing. In reference to the diaries, his Lordship said that they were cardinal in the case, as showing the state of mind of the plaintiff from day to day. [His Lordship then read the various entries in the diaries.] They afforded strong proof that, rightly or wrongly, the plaintiff believed that he was followed and watched. It was for them to consider whether that strong impression of his was well founded or was a mere delusion, and to come to a conclusion on that subject they would have to consider the evidence they had heard on the subject and the evidence which the diaries contained. They remembered the statement of Mrs. Nowell—and there was no attempt made to contradict her—that her husband declared to her his belief that only their eldest child was his; that the others were the children of other men, among them of Mr. Donne; and he actually went to Mrs. Donne and asked her to take that child because she was the child of her husband. If the plaintiff could contradict that assertion, why had he not called Mrs. Donne

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to tell whether it was the truth or was not? What did they think of such a statement? If they thought Mr. Nowell was sane, then the accusation was an abominable one. If, on the other hand, they thought he was not of sound mind at the time, then, of course, he was not responsible for what he said or did. Several witnesses, residents in Ramsgate, had been called to prove that the plaintiff stopped them in their walks and accused them of being spies, which they swore they were not; that he threatened one of them with violence, and to one of them said that he had something in his pocket which would do for him. The plaintiff accused his wife while resident at Ramsgate with misconduct with two young men named Cricket. They were called, and swore that there was no ground whatever for the accusation. Then they had the account Mrs. Nowell gave of the outrage which happened in July—that her husband rushed up to her room, caught her by the throat, and put his hand in his pocket, when his little son Percy, who was on the bed, called out, "Oh, don't papa!" and that then the plaintiff threw himself on the bed and slept in his trousers—a fact which he duly recorded in his diary. That evidence was confirmed by the plaintiff's daughter. With reference to being followed the Solicitor-General had relied on the letter of Mr. Addison, but that gentleman's explanation in the box was that he had seen Mr. Nowell's letters to Mr. Williams alleging that he had been followed, and he took for granted that that was the fact. To another part of Mrs. Nowell's evidence it was necessary to direct their attention. She stated that on the 19th of December the plaintiff abused her, called her foul names, and accused her of bringing up their daughter in the way she should not go; and she swore that, seeing his violence and knowing he carried a loaded pistol, she feared for her life. Here again she was confirmed by her daughter. The result of what occurred was that Mrs. Nowell again left her husband, and went for protection to her brother. Was this violence of the plaintiff caused by the truth of his accusation? If so, then it was fully accounted for. If, on the other hand, they were the result of delusions, then they would say whether at the time of the terrible scenes of July and December, 1876, Mr. Nowell was or was not a dangerous lunatic. Mr. Williams hearing what occurred proceeded to Ramsgate with two men whom he left at the Albion Hotel, where he and the plaintiff subsequently dined, and then Mr. Williams returned to town with the two men. It was because of that transaction, which happened on the 20th of December, that the plaintiff's learned counsel sought to cover the allegations as to being followed by men with shiny hats, red faces and red whiskers. Well, these two doctors gave their certificates, and if they were trying whether those gentlemen had fulfilled the spirit of the Act of Parliament, he believed that every one of them would return a negative answer hostile to them. The Act required that the examination should be by two medical men separately and independently, and by men who had not directly or indirectly any interest whatever in any private asylum. The Act was conceived in a most wise spirit. It allowed the removal of a lunatic to an asylum, but it took care that that should occur only after separate and independent examinations by men totally without interest in any private asylum. Most unquestionably nothing could be worse than the proceedings adopted by those two men. Dr. Sabben was practically interested in Northumberland House to the extent of £700 a year, and as to the examination, it was true by the card that they examined the plaintiff separately, but they were like the figures in a Dutch barometer, the one walked out as the other walked in (a laugh). For this proceeding, however, Mr. Williams was not responsible, always supposing that when he employed the doctors he acted *bonâ fide*, believing that the plaintiff was a dangerous lunatic. So the plaintiff got into Northumberland House, and he made a statement to the Commissioners, which was perfectly true, complaining of the certificates under which he was detained. At first sight it appeared that the Commissioners also had disregarded the letter and spirit of the Act of Parliament. But they now knew from the evidence of two of their body that they had themselves carefully

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examined the plaintiff, and they swore to their belief that he was a dangerous lunatic, and that it would have been extremely wrong to set him at liberty, or to do more than formally discharge him pending his re-examination. Mr. Nowell was brought to the Midland Hotel, and he saw no reason to suppose that if Dr. Bucknill or Dr. Kesteven had come to the conclusion that a mistake had been made in fact, they would not have so certified and the Commissioners would have ordered his release. It was a fair observation on the part of the Solicitor-General that although on this occasion also the letter of the law was not disregarded, the doctors approached the examination with an unfair predisposition towards the plaintiff. That, however, did not make their evidence good for nothing, while it no doubt called for a careful examination of their evidence, because they came to the examination of a man who they were told was mad, and as to whom there was a technical flaw in the certificates which they were to remedy. Back to the asylum he was sent. He made two attempts to escape, but on each occasion was recommitted to the asylum. Subsequently, after several requests, the Commissioners granted an inquiry and the jury found that he was not of unsound mind. They did not know what the evidence was which was adduced before the Commissioners, but it certainly was not the evidence which was before that Court; and without any disrespect to the jury who tried the question—for no doubt they found according to the evidence before them—he had to say that the period over which the inquiry extended was limited to two years before November, 1877. It left out all 1874 and the greater part of 1875, and they therefore did not hear a great deal of what those whom he now addressed had heard. The present was therefore a perfectly fresh inquiry. In the statement of his case which he sent to the Commissioners they would remember that Mr. Nowell stated that on accusing his wife of infidelity she owned it and said, "I suppose you did the same," and he then went on to say that a man was in his wife's room and escaped over the garden wall, and he further stated that the Crickets, of Ramsgate, were in the house, and got over his garden wall, and accused his wife of impropriety with them, to which accusation they and she gave a direct denial in their evidence, the value of which it was for the jury to weigh. The only thing which remained was the evidence of opinion. There were two classes of opinion—that of the attendants at Northumberland House—of the servants and others; and there was the opinion of scientific men. The former said they talked to the plaintiff on a variety of subjects and that he was quite rational, and there was no doubt that such was the case. On the other hand there was the evidence of scientific men on the subject of the supposed delusions. On the one side the plaintiff's medical men took for granted all he told them. On the other the medical men called by the defendant did not believe all he told them. His Lordship read the evidence of the medical men examined and continued to say that it had been observed that the medical witnesses of the defendant had shrunk from giving an opinion as to the present condition of the plaintiff. They had nothing to do with the plaintiff's present condition, and the doctors would have been themselves madmen if, without examination, they had given evidence on the subject. He had confined himself, as he said he would do, to matters which were proved or which were not contradicted, and to the documents in the case. The sole question was this—Was Mr. Williams, the brother of Mrs. Nowell, and her sole living protector, justified, or was he not, in the proceedings he had taken? If he was so justified, there was an end of the case. If they thought on the evidence that the plaintiff was at the times named a man of unsound mind and a dangerous lunatic, they were bound to find for the defendant. If, on the other hand, thay thought that he was not a dangerous lunatic, and that Mr. Williams had wrongly interfered to protect his sister and her children, of course it became a question of damages. It was not, that he could see, a case in which the defendant had done anything or conducted himself in any way to enhance the damage done to Mr. Nowell. At the same time, they should remember that

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he had been locked up and deprived of the opportunity of pursuing his profession; that his career in that respect had been cut short; that he was therefore damaged, and had a right to reasonable compensation. Was the plaintiff in 1875, 1876, and 1877 a person of unsound mind? If he was not, then by their verdict they should make Mr. Williams pay damages. If he was, then their verdict should be for the defendant. He should add that his object at an early stage of the case in suggesting that the proceedings should be laid before the Government had nothing to do with the action of Mr. Williams He had said so because he knew that there were eminent persons in Parliament who had their minds much attracted to the working of the Lunacy Laws, and it seemed to him that the action of the certifying physicians was well worthy of being brought under the notice of the Government, in order that they might consider whether any change of the law was necessary in view of proceedings which he could not but think were wrong in themselves, and ought to be prevented for the future. That, however had nothing to do with the issue in the case—namely, whether the plaintiff was at the dates he had named or any of them a dangerous lunatic. If they thought he was not, then they should find for him. If on the other hand, they should be of opinion that he was, then Mr. Williams, who in any case had had a most painful duty to perform, would be exonerated by their verdict from any further loss and unhappiness than that he had already been subjected to.

The jury, at 20 minutes past seven o'clock, retired. After an absence of an hour and 20 minutes, they returned, and said they found for the defendant.

The Foreman—The jury recommend with regard to lunacy certificates that each doctor be required to sign on separate papers, and not, as at present on the same paper. Also, we wish to record our opinion that the mode in which the certificates were given and the inquiries as to the certificates were carried on, on the part of the medical men, was very reprehensible and that the law requires alteration.

Lord Coleridge said that the recommendation of the jury would be forwarded to the proper quarter.—*The Times*, Nov. 14.

DARENTH ASYLUM, NEAR DARTFORD, KENT.

We can speak from personal knowledge of the excellent manner in which this institution is carried on. Dr. Fletcher Beach is indefatigable in the discharge of his duties as Superintendent. Miss Stephens pursues her arduous task of teaching with unabated zeal. May it continue. The carefully kept record of the capacities of the children, showing what, if any, has been the advance in the various divisions of knowledge, is very creditable to her.

In this Journal, vol. xxiv., p. 129, is a notice of the first two Reports of the Clapton Asylum now removed to Darenth. Those who, like ourselves, have visited both institutions, will have been gratified by the change in the accommodation and the facilities for carrying on the work of the asylum. The foundation stone of the Darenth Metropolitan Asylum was laid on the 19th October, 1876, by Dr. Brewer, the Chairman of the Board; and the school buildings were opened December 7, 1878. The contracts, exclusive of cost of land, amounted to £76,329; the accommodation being for 500 children. At the same date the foundation stone of the Adult Asylum was laid by Dr. Brewer—to be completed in twenty-one months from January, 1879. The cost is to be £60,000, for six blocks, for the accommodation of 744 patients, in addition to 54 single rooms.

When we visited the school we found 157 boys and 93 girls under teaching, there being in the asylum altogether, 412. Of the 250, 135 were on whole, and

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