

and in the affidavits, is there any shadow of foundation for saying that there is anything like culpable negligence in this case? I cannot find any suggestion of it. On the contrary, so far as we have materials for doing it, I see less than no reason for differing from the report of the Inspector, but on the other hand I am prepared to endorse it. It seems to me upon the evidence before us that these gentlemen used great care, and, according to the best of their ability, discharged their duty in giving an opinion, which they thought was a sound opinion, which may or may not in fact (I do not know) at the time they gave it have been a true opinion. Under those circumstances the Act warrants us and obliges us at the instance of the defendants to put an end to the case, because we are bound to do so if the Court or a Judge is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care. We have had the assistance of the report of the Inspector who had the advantages pointed out by my brother, and I can see no reason whatever for differing from him; therefore, I entirely concur that, as to all points, this action should be dismissed.

Mr. Justice Wills—I should like to add that one reason with me for giving considerable weight to the opinion of the Local Government Board in this matter is that every line of this report appears to me to indicate the perfect judicial impartiality with which it is framed and constituted from beginning to end.

Mr. Herbert Smith—I hope your lordships understand that I make no charge against the Inspector of any improper conduct.

Mr. Justice Wills—I did not suggest that you did; I only say that I think it right on public grounds to say that that is one reason why I have paid attention to it.

Mr. Frank Dodd—Then, my lords, the appeal will be allowed, and the action dismissed with costs.

Mr. Justice Wills—Yes.

Mr. Lockwood, Q.C., M.P., and Dr. C. Herbert Smith were for the plaintiff; and Mr. Frank Dodd (who was instructed by Mr. Thomas J. Fisher, 57 and 59, Ludgate Hill) appeared for Drs. Duke and Beaumont.

(*In the next number will appear the Report of the Judgment of the Court of Appeal.*)

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#### Obituary.

DR. JOSEPH WORKMAN.

(*An Honorary Member of the Association.*)

Dr. Workman was formerly Medical Superintendent of the Provincial Lunatic Asylum at Toronto, a distinguished physician, and the Nestor of Psychological Medicine in the Continent of America. He died on the 15th April last, at his home in Toronto, Canada. He had almost reached the age of eighty-nine years, having been born in May, 1805, the year of the battle of Trafalgar. His birth-place was near Lisburn, County Antrim, Ireland. One of his paternal ancestors had gone to Ireland from England more than two hundred years ago; for the doctor was a descendant of Wm. Workman, who, after serving in Cromwell's army, settled near Coleraine, in County Derry, and who, in his turn, was the son of the Rev. W. Workman, of Gloucester, England, who had been deprived of his

living and excommunicated for his fearless protestation against what he held to be idolatrous practices. The mother of the subject of this memoir was of Scotch extraction, and lived to the age of more than 102 years. Shortly after the War of Independence his father went to the United States of America for several years, during part of which time he taught English in a College at Philadelphia; but he returned to Ireland, married, had a family, and in 1829, with his wife and the rest of the family, including Joseph, he followed, to Canada, several of the sons who had gone before.

The first elements of Joseph's education had been received at a school kept by an elder brother, Benjamin, at Mullacarten, near Lisburn. Late in life this brother assisted him at the Toronto Asylum. At about the time he came of age, Joseph had been engaged in an ordnance survey in this kingdom.

At a later age than usual Dr. Joseph Workman studied medicine at McGill College, Montreal, where he graduated at the age of 30; and in recent years he was the oldest living graduate of that College. Whilst living at Montreal he married Miss Wassnidge (or Wassridge), a native of Sheffield, England, who predeceased him in 1885. Of their six children, several survive. To this lady he was greatly attached. The last day the writer called upon him he had gone to spend an hour at her grave.

In 1836, at the age of 31, he went to live at Toronto. At first, and for several years, he did not follow his profession, but was engaged in commercial business, and civic duties. Those were stirring political times, and the seething political agitation culminated in a petty rebellion. During part of this period he was a member of the City Council of Toronto. He also became the first chairman of the Public School Board of the City.

Subsequently, he became for a while a lecturer in a Medical School at Toronto, his subjects being obstetrics and therapeutics.

Eventually, in the year 1853, at the age of 48, he was appointed Medical Superintendent of the Provincial Lunatic Asylum at Toronto. Most of such appointments in the United States and Canada, except one now and then formerly, and a larger number of late years, have been made on political grounds, or on those pertaining to personal influence, the persons so appointed being without special knowledge of mental diseases or of the management of asylums. Nor, under the circumstances then existing, could there well be a wide circle of properly experienced persons to choose from. Dr. Workman remedied this lack of experience as far as he could, after his appointment, by making a visit to this country to examine the leading asylums and their working, and, we believe, with the same object, to the United States also. In all probability most of those who met him here at that time are now dead, but some years ago the writer found that at least one or two of them still retained a distinct recollection of his personality and views.

During his time of office, the Toronto Asylum underwent many improvements, and was increased greatly in size in order to meet the growing requirements of the flourishing city, and of the young country, both of which at that time were rapidly increasing in population. He was a successful administrator, kind to those under his care, patient with his subordinates, and much beloved by the junior members of the medical staff of the Institution. Yet he was somewhat inclined to kick against official restriction, and it must be admitted that his opposition to officialism was not always altogether judiciously expressed, however legitimate and proper it may have been, and probably was, in itself, a point as to which it would now be very difficult to form an unbiassed opinion. His annual reports, published with the official records relating to the asylum, were always fresh and interesting; a happy turn of expression, or an unexpected humorous or spicy tit-bit, every now and then arousing the reader's pleasurable surprise by its piquancy and appositeness.

In 1875 he retired from the medical superintendency of the asylum.

Before his retirement he had made some addresses and more formal contributions to the subject of mental diseases, but it was more especially *after* his retirement and during the next eighteen years or so of his life that, although of an advanced age, he was active in a literary way, and that he frequently presided at the meetings of Medical Associations and Societies. One of the honours he received, and that pleased him very much, was his election as an honorary member of the Medico-Psychological Association of this kingdom.

He also had a consulting practice in Toronto.

At different times he was engaged in several important medico-legal cases. Sometimes in relation to a case of this kind, sometimes concerning other matters relating to mental disease or to asylums, he engaged in newspaper warfare, skirmishes of this kind being a manner of fighting out disputed points of that nature which was much in favour on the other side of the Atlantic. Other original contributions to psychological medicine he published in medical periodicals.

But his most frequent contributions were translations, especially from the Italian medical journals devoted to psychiatry. Many important papers from them were first made known to readers of English through his translations; of which, perhaps, the most valuable were published in the "Alienist and Neurologist," an American quarterly journal of neurology and psychiatry.

His translations possessed a strong individuality; his style of writing was always striking, clear, and flowing. It is true he occasionally weakened his diction by coining a new and hardly necessary word, but it was seldom—far more seldom than, under the circumstances, one could have thought possible—that he selected any but the most appropriate technical equivalent term in our language to express delicate shades of technical meaning on fine points; and he possessed the gift of an easy masterly power of handling our language that was reflected in the charm both of his original contributions and of his free translations. A singular charm also pervaded his conversation; it was always fresh and crisp. To the last he was ready to communicate new ideas and to discuss the recent questions in mental and neurological science. His active, fresh, and really youthful mind was eager for mental food. "Send me what you write; I must have food, you know," were almost the last words he spoke to the writer; and on the occasions (necessarily at intervals of years only) when one could do oneself the pleasure of calling upon him he would bring some new or recently-debated subject into discussion, and show as much interest in it as if he had been half a century younger. As a linguist his attainments were very considerable, and he translated from several languages. His active mind occupied itself with medico-psychology to the last; age could not wither it, nor custom stale its variety, for it possessed freshness, plasticity, elasticity, and, therefore, real youthfulness.

He was ever loyal to his friends and to his high sense of duty. Although by pen and tongue he could on due occasion be trenchant in criticism, or turn the shafts of a keen wit against an opponent, he always fought fairly, and never acted or spoke in an unchivalrous way.

Several years ago the Toronto Medical Society presented him with an oil-painted portrait of himself, which now graces a room of the Society. A photograph of him appeared as the frontispiece in the number of the "Alienist and Neurologist" for January, 1890.

Our *confrères* on the continent of America will lose much in the absence from their assemblies of his fine presence, upright figure, and countenance beaming with intellectual light; and in the loss of the genial companionship of a brave and true man.

W. J. M.