

THE NORTHERN LANCET.

THE LUNACY LAWS.

We had occasion to animadvert in the daily press of last month on a case of assumed authority by a Police Magistrate, namely, the rejection by him of properly worded certificates given by two qualified and registered medical men, as to the sanity of an individual. The publication in a daily paper, was made with the object of awakening the interest of the public in a matter of such very serious importance to them, and, with the hope that a knowledge of the circumstances will stimulate them into testing the question, as to this official's power to so act. The *Sun's* editor took up the cudgels for the magistrate, and sought to cast the blame on the Attorney-General, but the only effect was, the implicating this dignitary of the local legislature, in what can be considered only as a grave infringement on public, and professional rights. An illegal direction of the Attorney-General, does not justify a magistrate in acting improperly, and that the present procedure in the testing of lunacy in the Province of Manitoba, is in accord with propriety, justice, or law, no reflecting mind can testify to. There is nothing in the act passed in the late session to empower the Attorney-General to in any way interfere in lunacy cases. The only clauses of this act relating to this official are clauses 15 and 26. The first one empowering him to order removal from gaol to asylum and the second directing that all preliminary expenses incurred in connection with the apprehension, etc., etc., shall be paid in the first place by his department. Whenever medical examination is spoken of in the act, it specifies "A" qualified medical man, in the language of the country signifying "any" qualified medical man,

and, inasmuch as there is no provision directly or indirectly, for the appointment of any special medical man for this duty, this, singling out of Dr. Patterson, is clearly an assumption of power to which even the Attorney-General of this Province has no manner of legal claim to. High handed proceedings may carry the day for a time, but if the profession do their duty and unite in practically protesting against this injustice, even the Attorney-General of Manitoba will succumb to their influence. It cannot be supposed that the public will rest content with the present position which enables a magistrate to have any one arrested on a charge of lunacy, and endows him with the power of committing the unfortunate individual to the common goal, pending a professional enquiry into his malady. If it were not pregnant with such serious consequences, it could be regarded as farcial in an extreme degree, that the medical examination, which governs the whole proceeding, as, no matter what the opinion of the magistrate, or his informants, on which the accused has been deprived of his liberty, and subjected to vast misery; if the medical evidence rebuts the idea of insanity, the accused and persecuted one is free, but, by the present arrangement this vital testimony is only to be available, after the individual is in gaol, after his commitment. Whence arises the necessity for sending a man to gaol for an infirmity "the visitation of God," the answer will probably be, there is not sufficient accommodation in the asylum. Then more shame to those in power not to provide it. A duty paramount on those who are placed at the head of affairs is neglected, and the stricken mind is incarcerated with the malefactor and the felon, because the necessary accommodation, the first care