

husband, communicated with Dr. Forbes-Wilson, the defendant, and in consequence of that, on the next day, Sunday, April 14, Dr. Wynn, father-in-law of the defendant, and another medical man had an interview with Mrs. Weldon under feigned names, and entered into conversation with her, in which, they afterwards said, she seemed to entertain some strange notions. Now, Dr. Winslow was at that time the registered proprietor of a private lunatic asylum at Hammersmith, as far as appears, unknown to Mr. Weldon except by reputation; but Mr. Weldon consulted him with a view to see whether or not his wife ought to be put in an asylum. Whether at that time it had entered into Dr. Winslow's mind, as it did afterwards, that if Mrs. Weldon was sent to an asylum she might be sent to his, did not appear. But he was, in fact, the registered proprietor of an asylum, and when asked by Mr. Weldon what asylum it would be better to send her to, he suggested his own. He, however, went to see Mrs. Weldon on that day, and he then wrote the letter complained of as a libel:—"It is my duty to inform you that it is imperative that immediate steps to secure her should be taken." Mr. Weldon then gave him *carte blanche* to make any arrangement, necessary for the purpose. It was then discussed to what asylum she should be sent, and it was arranged she should be sent to his private asylum, and the terms were settled at 500 guineas a year. Now that, said Mr. Justice Manisty, is a most important fact, and it has a bearing on the whole cases both as regards the authority to take her, and also as to the privilege for the libel. If Dr. Winslow had it at all in his mind that she should be taken to his asylum, he ought to have told Mr. Weldon at once—"I can take no part in these proceedings. I can take no part in obtaining the certificates, or in getting the order. You must get some one else to act in the matter." But, at all events, when it was arranged that she should be taken to his asylum he was bound to take no part whatever in the matter. He, however, had instructions from Mr. Weldon to do whatever was necessary in the matter, and was paid thirty guineas for his own fees and those of the other medical men who were to act in the matter, and whom he himself

selected—Dr. Wynn and Dr. Temple—by selecting the medical men who were to go to see Mrs. Weldon and certify whether she ought to be removed. It was most improper. It was wrong that the proprietor of a lunatic asylum should interfere in any way in selecting the medical men who were to give the certificates, and in getting the particulars of the "statement," a most important document, required by the Legislature for the protection of persons supposed to be insane, when he should have nothing to do with it, and it ought to be perfectly independent and absolutely free from all suspicion of his interference. It was a great power which was intrusted to persons in that position—to take the preliminary steps for sending a person to a lunatic asylum, and the Legislature had provided certain safeguards. But what took place in this case? Dr. Winslow saw these medical men, who ought to have been two independent medical men, qualified to form an independent judgment on the case, and they went to the house and contrived to have an interview with the lady, and they first saw her together, and then one stepped out and the other remained to make what was to be called a "separate and independent examination," and then he stepped out and the other came back to make his separate and independent examination of the lady. This was supposed to satisfy the requisitions of the statute that the medical men should be absolutely independent, and each exercise an independent judgment, and have nothing to do with the proprietor of the lunatic asylum to which the person is to be sent. The medical men having had what they called their "separate examinations" returned; and it was suggested that Mr. Weldon should give the order, but it was found that he could hardly do so, as he had not seen her for three years, and the law evidently intended that the order should be given by some one who knew the person; and then it was suggested that Sir H. de Bathe should go and see her, and take the responsibility of the order, and Dr. Winslow prepared the "particulars of the statement," and sent them to him. The learned Judge said this was what the Legislature looked upon as a most important document, for it was to state the facts showing that the person in question was in a condition