

no provision for protection at all than provisions of which the proceedings in this case are to be held legally to satisfy. . . . If a negligent examination is actionable in the case of a medical man, it appears to me that a negligent examination is not an exercise of statutory jurisdiction in the case of justices. The case of *Hall v. Semple*, 3 F. & F. 350, with which I absolutely agree, shows to my mind that the statute requires that there should be a real inquiry, a real weighing and sifting of evidence, a real examination, a real, serious, and solemn exercise of judgment." The learned judge had only to say that he had there attempted to express his opinion deliberately as to what such an examination ought to be. Did the plaintiff come within the definition in the statute of "a lunatic, idiot, or person of unsound mind, and a proper person to be taken charge of and detained under treatment"? It was not suggested that she had been a lunatic or idiotic, but that she had been of unsound mind. The question whether or not a person was of unsound mind was one of the most difficult and abstruse problems into which the human mind could enter. It was a question on which certain practical tests had been laid down in books of authority—tests which were not, indeed, exhaustive, but the presence of which must be taken to be indications of unsoundness of mind. The learned judge said that the principal test as to unsoundness of mind was whether a person had delusions in the nature of a belief in things as realities which, in fact, had no existence. He emphatically dissented from the Attorney-General that unless every other means had first been exhausted, a person ought not to be placed in an asylum. The abuse of a thing was no proof that it had not a use, and early treatment in cases of unsoundness of mind was of the very greatest importance. People living in small houses had no power of making provision for such early treatment of relations who might be unsound in mind, while relegation at an early stage to a well-appointed asylum was calculated to have the best results. As to the delusions of the plaintiff, one was that a Jesuit conspiracy had existed in her mother's house. She believed that no evil existed or ever had existed

in which the Jesuits had not had a finger. If she had confined herself to saying that she believed Jesuits to be the allies of Satan and to be for ever seeking to sap the foundations of morality, that would be one thing, but it was quite another for her to have been possessed with a delusion that every servant in her mother's house was an emissary of the Jesuits. He (his lordship) was no judge in the matter of what people might be inclined to believe against the Jesuits, as one who was nearest and dearest to him was a member of the Society of Jesus. But it would be for the jury to say whether or not the plaintiff had been liable to delusions on the subject of Jesuit emissaries having been in her mother's house, of impropriety of conduct between her brother and the cook, and of poison having been administered to her as part of a Jesuit conspiracy. Were these or were they not ideas which a reasonable person could not have entertained? The plaintiff had made a charge against her nephew's nurse of having drugged him, and accused her of having done something to him at Whitby which had brought on a fit of partial paralysis, though it was clear that there had not been the slightest ground for any such imputations. She had believed that her mother's mind had been weakened by the sulphuric ether prescribed for her by the defendant. Mr. Hatherley had prescribed doses of a sixth of a drachm of sulphuric ether, and had stated that if Mrs. Neave had taken the whole drachm at one time it would not have affected her brain in any way. Then there was the fact that the plaintiff—not a girl, as the Attorney-General had called her, but a woman of mature age—had knocked at her mother's door at night violently for a long time, and, when it was not opened to her, had gone down stairs and unravelled the stocking which Mrs. Neave had knitted. Her explanation of this was that at the time her mother's mind had become so affected by sulphuric ether that she thought the unravelling of the stocking would bring her to book; but had the act been that of a rational person? Such an act as that of hissing at the nurse on the return of the latter to Mrs. Neave's house, had at any rate exposed the plaintiff to the suggestion that her mind had