ship of the asylum, and because the Chairman, by his antecedents and his practical knowledge of insane life, was so admirably suited to preside over the meeting and support the Association of which the Rev. H. Hawkins was the founder and the mainspring. Dr. Sheppard was free to confess that he had not at first been very sanguine as to the success of the "After-Care." But he ought not to have had any doubts upon the matter, as the earnest Christian zeal and potential energy of Mr. Hawkins were a guarantee for the growth and progress of everything to which he put his hand.

Dr. SAVAGE seconded. Carried by acclamation.

ANNUAL MEETING OF THE AFTER-CARE ASSOCIATION

The Annual Meeting of this Association was held at Hampstead, at the house of Dr. Rayner, who occupied the chair, June 20th. Amongst those present were the Hon. Dudley Fortescue, Rev. W. St. Hill Bourne, Rev. Henry Hawkins, F. C. Pawle, J.P., Drs. E. Parker Young, S. Rees Philipps, J. Peeke Richards, Hack Tuke, Fletcher Beach, Norman Kerr, Savage, etc., etc.

The Report stated that 73 cases had been before the Committee during the year. Some had been boarded-out in Cottage Homes, grants of money and clothing had been given, and assistance had been rendered by finding suitable occupations. The number of Members and the subscriptions and donations had increased. Through the kindness of Dr. Heurtley Sankey, £20 was obtained from the profits of Sale of Work at Littlemore. Will not other Superintendents follow Dr. Sankey's example? For furnishing and fitting up a proposed Cottage Home contributions had been received to the amount of £46. The Report stated that the success and utility of the Association depended upon the warm co-operation of the Medical Superintendents of Asylums throughout England.

A number of addresses were delivered in support of the Association, and it was decided to form a branch for Hampstead and district.

[In consequence of the date of the Meeting falling so late in the quarter we are unable to give a fuller report of the proceedings.]

The Meeting terminated with a vote of thanks to the Earl of Meath, the President, for allowing the Council to hold their meetings at his house, and to Dr. and Mrs. Rayner for welcoming the Members and friends of the Association at Hampstead for their Annual Meeting.

SUPREME COURT OF JUDICATURE.—COURT OF APPEAL.

(*Before the* MASTER *of the* ROLLS, LORD JUSTICE LINDLEY *and* LORD JUSTICE KAY).

HANBURY V. HANBURY.

This was an application on behalf of the husband for judgment or a new trial in a petition by the wife for a dissolution of marriage upon the ground of the adultery and cruelty of her husband. The acts of cruelty alleged were committed in 1883 and 1884, and the acts of adultery charged against him were alleged to have been committed with Fanny Young, in October, 1886, and with Alice Pullman and Emily Ireland in June, 1890. The respondent denied the acts of cruelty and adultery, and he further pleaded that when he committed the acts complained of he was a lunatic and of unsound mind and incapable of understanding the character and consequences of such acts. He further

pleaded that all the acts of cruelty and some of the acts of adultery were condoned by reason of the execution by the wife of certain deeds dated August 5, 1885, and March 29, 1888. The action was tried before the President (Sir Charles Butt) and a special jury in March last, when the trial lasted five days, and a great deal of medical evidence was given as to the state of the respondent's mind. The medical evidence was to the effect that the respondent was suffering from a disease which deprived him, as long as the attacks lasted, of all control over his actions and drove him to drink and other excess. The jury, in answer to questions put to them by the President, found that the respondent committed the acts of cruelty and adultery charged against him in the petition, and that when he committed the acts of cruelty and adultery he was capable of understanding their nature and consequence. The learned President held as a matter of law that the execution of the deeds did not amount to condonation of the acts of cruelty, and pronounced a decree *nisi* for dissolution of the marriage.

Mr. Lockwood, Q.C., and Mr. Bayford, Q.C. (Mr. Witt, Q.C., and Mr. A. D. Home with them), contended (1) that the verdict was against the weight of the evidence; and (2) that the respondent was entitled to judgment upon the ground that the evidence showed conclusively that the respondent, when committing the acts charged against him, was under an uncontrollable influence and was not responsible for his acts. The parties were married in 1875 and there had been six children of the marriage. In March, 1883, one daughter died, and it was suggested that the loss of this child developed the disease from which the respondent subsequently suffered. In July, 1883, the respondent, when under the influence of drink, struck the petitioner, and he was then bound over by the magistrate to keep the peace. He then voluntarily went to Dr. Stewart's Home for Inebriates. In January, 1884, he returned to his business, and in June, 1884, he had a further attack of insanity. The form of insanity was known as "folie circulaire" or recurrent mania, due to hereditary causes. The disease recurred at intervals, and when it did he broke out into drinking habits and other habits of excess, being driven to it by an uncontrollable impulse. The form of the attack was as follows:—First exaltation, then delusions, followed by drinking, and then depression. Between the attacks he was perfectly sane. The medical evidence showed that the drinking was the result of the mental disorder. In June, 1884, he threw some brandy and water in his wife's face, and on June 23 he was placed at Moorcroft Lunatic Asylum, kept by Dr. Stilwell. On June 26 the wife filed a petition for judicial separation, and in August the respondent left Moorcroft in improved health. Negotiations took place between the solicitors to both parties, with the result that on August 5, 1885, the petition was by consent withdrawn, and two deeds were executed under which the respondent agreed to allow his wife £500 a year, and to settle £8,000 for the maintenance of herself and children. There was no agreement for separation. The parties lived together again from November, 1885, to July, 1886, when he was again attacked with the disease, and he was removed to Moorcroft Asylum, where he remained until September. In October 1886, he committed adultery with Young, at Peckham, and in November, 1886, the wife filed a second petition for judicial separation, and also petitioned for an inquiry in lunacy. On March 29, 1888, this petition for judicial separation was withdrawn by consent, and a deed was executed giving the wife £300 a year additional, and giving the husband the custody of two of the children. This was not a separation deed, but the parties did not live together after July, 1886. In December, 1888, the respondent was removed to Wanford House Asylum, near Exeter, and from there he was transferred to a lunatic asylum at Virginia Water, and then to Moorcroft Asylum until May 23, 1889, when he was discharged. In September, 1889, the respondent became ill again, and, under the advice of Dr. Davy, of Exeter, he placed himself under the charge of Dr. Powne, of Chard, and he remained at Dr. Powne's house (not an asylum) until 1890, and in April, 1890, while he was there

he had an attack. In June, 1890, he went to Exeter, and the acts of adultery with Pullman and Ireland were committed at Exeter and Exmouth in that month. The evidence of the medical witnesses of special experience in mental disease showed that this disease, when an attack came on, drove the respondent to drink and to other excess. The medical evidence was all one way. [Lord Justice Kay: But when the respondent went to Exeter from Dr. Powne's he had made no attack upon him, or else Dr. Powne would not have let him go. Can you show any attack which in its inception was not accompanied by drinking?] The evidence of Dr. Davy showed this. This disease was not produced by drinking; the disease produced a craving for drink. [The Master of the Rolls: But is the jury bound to accept the opinions of the medical men? It is not like a question of fact; it is a question of opinion. One knows that some doctors say that everyone is mad. Moreover, the evidence does not show that the respondent did not know what he was doing.] The evidence showed that when the attacks came on the impulse to excess was uncontrollable. [The Master of the Rolls: But is that sufficient in law?] Yes; if the respondent had no will in the matter, he would not be responsible for his actions. They also contended that the deeds of August 5, 1885, constituted a release as regards the acts of cruelty.

Mr. Inderwick, Q.C., and Mr. Bargrave Deane, for the petitioner, were not called upon.

The Court dismissed the application.

The Master of the Rolls said that, with regard to the alleged release, there was nothing in the deeds which amounted to such a condonation as constituted a release. There was condonation of the acts of cruelty and adultery by the subsequent cohabitation of the parties, but the acts of adultery subsequent to the cohabitation revived the acts of cruelty and adultery committed before the cohabitation. The question, then, was whether the acts of cruelty and adultery were acts for which the husband was responsible. It was admitted that the acts charged were committed, but it was said that the husband was not responsible by reason of the condition of his mind at the time when the acts were committed. Medical men of great eminence stated that his mind was a diseased mind when the acts were committed. They called it an insane mind. They designated the disease of the mind as "folie circulaire," and the principal medical witness stated that the disease could not have originated in the man, but must have been hereditary, caused by a degeneration of mind in one of his ancestors, and that the disease lay dormant until he was exposed to excitement such as drinking, and that then the disease developed itself. The evidence stated that in the first two stages of the disease the victim would have an uncontrollable impulse to indulge to excess, which, as far as he could see, consisted in committing adultery as often as possible and ill-treating his wife. In his opinion, that was evidence which the jury were entitled to disregard altogether, even though it was not contradicted. It was a piece of scientific evidence, and the jury, upon such a matter, were the sole and ultimate judges; and, however scientific and however influentially supported the evidence was, the jury would have a right to reject it altogether. One question was whether, supposing there was such a disease, this man was a victim to it. The doctors said that it must be hereditary, through one of his ancestors having a degenerated mind, and that it could not be brought on by any amount of drinking. There was not the slightest evidence given of a degenerated mind in any of the respondent's ancestors. The jury might well find that this man did not suffer from this supposed disease. The case, however, did not shape itself thus. The jury found that the respondent knew what he was doing when he committed the acts, and understood their nature and consequences. The rule of conduct of this Court was that a new trial would not be granted upon the ground that the verdict was against the weight of the evidence unless the verdict was such that a jury, viewing the whole of the evidence reasonably, could not reasonably find.

The jury were perfectly entitled to come to the conclusion they did, and he thought that it was the only sensible conclusion at which they could have arrived. There remained a question of law. Assuming a diseased mind, and that the diseased mind gave him certain impulses—he would not call it an uncontrollable impulse, as he did not know what that meant in such a case as this—the respondent knew what he was doing, and that he was doing wrong. An act of adultery was a culpable act against the wife. He was prepared to lay down as the law of England that whenever a person did an act which was either a criminal or a culpable act, which act, if done by a person with a perfect mind, would make him civilly or criminally responsible to the law, if the disease in the mind of the person doing the act was not so great as to make him unable to understand the nature and consequences of the act which he was doing, that was an act for which he would be civilly or criminally responsible to the law. Consequently, even though the respondent's mind was diseased, he was as responsible to the law as if his mind was not diseased. The judgment of the learned President was therefore right. There was a larger question which the President touched upon, but did not decide—namely, whether, even if the respondent's mind had been such that he did not know the nature of what he was doing or that he was doing wrong, the petitioner would or would not be entitled to a divorce. It was unnecessary to decide that question, and he desired to leave it open.

Lord Justice Lindley concurred. It was very curious that, until the death of his daughter in 1883, no trace of insanity was discovered in the respondent. He then took to drinking. Giving every weight to the medical evidence, it did not come to more than this, that the respondent suffered at the time he committed the acts from acute mania, and could not control his actions. Whilst in this state, whether caused by drink or not, he committed adultery and beat his wife. Was the wife to be deprived of the protection of the law? He did not think so. It was a mistake to introduce questions of criminal law into these questions. The case seemed as plain a case as could possibly be for a divorce.

Lord Justice Kay concurred, saying that he had nothing to add.

DEWAR v. DEWAR.

The appointment of a *curator bonis* to manage the estate of a person of unsound mind is an ancient and valued prerogative of the Supreme Court of Scotland. It is a speedy and economical procedure compared with inquisition in England, which resembles the still more ancient and formidable process of *cognition*, a trial before a jury.

The appointment of a *curator bonis* is made by summary petition before a Lord Ordinary of the Court of Session. The petition is accompanied by two medical certificates, setting forth on soul and conscience that the person is incapable, and the appointment lasts until recalled upon petition or annulled by death. A recent statute has further reduced the cost of this procedure by making it competent for the Sheriff to appoint a curator to a person of limited means.

In the case of *Dewar* v. *Dewar*, the petition was at the instance of a wife for the appointment of a *curator bonis* to her husband, at the time confined in an asylum under warrant of the Sheriff. It was proved by medical certificates that he had a clear and intelligent comprehension of business matters, and in particular of his own financial affairs, but that he suffered from delusions with regard to spiritualism, and entertained groundless feelings of mistrust regarding members of his own family, which might affect the propriety of his directions respecting the management of his own property.