

An example of the complete arrest of criminal proceedings, at whatever stage, by the insanity of the prisoner. In this case, the prisoner being found insane after conviction and before sentence, the sentence was arrested.

*Browning v Mostyn.* By Mr. WOOD RENTON.

The case of *Browning v. Mostyn*, tried before Mr. Justice Gorell Barnes and a special jury in the Probate Division in January, was interesting from the medico-legal point of view. It shows how deeply rooted the principle laid down in *Banks v. Goodfellow*—that given a knowledge of the value of the act and absence of undue influence at the critical period, testamentary capacity exists—has become in English law. Whether this principle has an equally firm hold of the Scotch judicial mind is a question which must be postponed till the judges who decided *Ballantine v. Evans* (1886, 13 Ct., 1 Sess., 4th Serr., 666) have an opportunity to reconsider their language in that case in the light of *Roe v. Nix* (1893, Prob. 55) and *Browning v. Mostyn*. The Monte Carlo will suit also offers another illustration of the class of case in which costs may be allowed out of the estate on the principle that the conduct of the testator himself was the cause of litigation. This exception to the general rule that costs follow the event was first recognised where a testator had left his papers in confusion. It was then, properly, extended to cases of alleged mental incompetence and undue influence. There was certainly never a case in which its application was more thoroughly justified than in that of Mr. Conyngham.

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PARLIAMENTARY INTELLIGENCE.

HOUSE OF COMMONS.

*Lunacy Statistics.*

Mr. Patrick O'Brien, on behalf of Mr. Corbet, asked the Home Secretary if attention had been recently called to the fact that the number of insane persons under official cognisance in the United Kingdom, Ireland included, have increased from 55,525 in 1862 to 128,896 in 1895, and that the ratio of insane per 1,000 of the population had gone up during the same period from 1'81 to 3'28; and whether, in view of the importance of the subject, he would take steps to convene an International Conference to ascertain what measures could be taken to arrest the spread of the disease?—Sir Matthew White Ridley said, in reply: I am aware of the great increase in the number of insane persons in institutions, and I would remind the hon. Member that on February 28th of last year I stated in this House that I should consult with the Lord Chancellor with a view to the attention of the Lunacy Commissioners being specially directed to the question. The Lunacy Commissioners have, I am informed, completed a special report on the subject, which is now in the printer's hands; and until I have had the opportunity of considering that report I should prefer not to reply to the second part of the hon. Member's question.

*Medical Superintendents of Lunatic Asylums.*

Mr. Dane—I beg to ask the Chief Secretary for Ireland whether the rule of the Civil Service requiring officials to retire at the age of 65 applies to resident medical superintendents of district lunatic asylums and their assistants?—Mr. G. Balfour: No, sir. The rule in question applies only to permanent Civil servants of the Crown, and the officers of lunatic asylums are not Civil servants.