quite as valuable as a gaol surgeon. He could not imagine anyone associating with a lunatic without observing it. . . . There was not the slightest suggestion made by any witness of the prisoner being suspected of insanity before September 17th. . . . The medical evidence must be looked on with great suspicion. It was very probable that any person under such circumstances being medically examined by a stranger would have a shrewd suspicion of what the doctor was there for.

The jury found the prisoner guilty.—Nottingham Assizes, December 4th, 1896 (Mr Justice Day).—*Nottingham Daily Express*, December 5th.

The evidence of insanity, as adduced by counsel, was three-fold. 1. The conduct of the prisoner in crouching on the ground and crying on the evening of the murder. 2. His extreme and groundless jealousy and suspicions with regard to his wife's unfaithfulness. 3. The evidence of Dr. Powell. On none of these grounds was the evidence very cogent. The first is scarcely inconsistent with sanity. The second, while it is no doubt present in many cases of insanity, is present also in many cases in which insanity is not suspected; and the evidence of Dr. Powell was not very strong. It is true that he considered the prisoner an insane person, but when the grounds of his belief were examined they amounted to no more than a certain absent-mindedness in the prisoner. There may have been other circumstances which influenced Dr. Powell in coming to a conclusion, but they do not appear to have been stated in Court. The prisoner's mother had been insane, and the continuous, extreme, and, as it appears, groundless jealousy by which he was possessed, and which undoubtedly actuated the crime, is evidence that his mind was not altogether a normal and well-balanced mind. But if the possession of a mind that is not altogether normal and well balanced is to render a criminal immune, how many criminals will be punished? It is difficult to see how, upon the evidence before them, the jury could have arrived at any other result.

It will be observed that the judge laid down the meaning of the law in its narrowest sense, although in other cases the same judge has interpreted the same law in a widely latitudinarian manner; and it is manifest from a pretty extensive observation of criminal trials, in which insanity has been pleaded, that the terms in which the judge expresses the law depend upon the view that he takes of the criminality of the prisoner. If it appeurs to him, after reading the depositions and hearing the evidence in Court, that the prisoner is unsound in mind, he states the law in such a way as to make it easy for the jury to find the prisoner insane. But if, as in this case, he takes a strong view that the prisoner ought to be punished, he charges the jury in the strict terms of the law. If this variation in practice is undesirable, it is difficult to see what legislation would be effectual in eliminating the personal equation from the judicial bench.

The remarks of the judge upon the value of medical evidence in cases of insanity are to be regretted; for it is to all good citizens a matter for regret when the administrator of justice, who should represent the majesty of the law in his dicta as well as in his demeanour, goes out of his way to make himself ridiculous even to a section of her Majesty's subjects. And when Mr. Justice Day declares that he cannot imagine anyone associating with a lunatic without observing it, by which he no doubt means observing the insanity, he exhibits such a profound ignorance of insanity as entirely abolishes the authority, and indeed the interest of anything that he may say upon the subject. It is therefore not worth while to deal with the rest of his regrettable remarks on medical evidence.

Reg. v. Collins.

Louis Collins was found guilty of libelling Mr. G. Boulton. Mr. Commissioner Kerr, who tried the case, expressed grave doubts as to the prisoner's mental condition, and postponed sentence that prisoner might be medically examined. Prisoner was certified as insane, and application was made to the Home Secretary for his removal to an asylum. No sentence was pronounced.

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 Ses., 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.

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.