

will of January, 1904, was proved, although the deceased had destroyed the original.

It is notoriously difficult to upset a will, even when the testator was indisputably insane at the time it was made; but in this case the evidence was very clear, not only that the testator suffered from delusions at the time of making the will of July 27th, but that the delusions were of a character that was likely to, and did in fact, influence him to make such a disposition of his property as he would not have made but for the delusions. These are in practice the only circumstances under which a will can be upset, and it is satisfactory to find that, when they are proved to exist, a will is upset in spite of the great reluctance of the Courts to interfere with testamentary dispositions.

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*Rex v. Hother.*

Helen Hother, 69, was indicted for the manslaughter of a lunatic named Fanny Osborne at Hove on November 30th last.

The case for the prosecution was, shortly, that Osborne, who had been a certified lunatic since 1885, had been first placed under the charge of Dr. George Hother, the prisoner's husband, and after his death in 1889 the lunatic was placed in the prisoner's charge, she being paid £60 per annum. Mr. Jowers, physician and surgeon, had from time to time seen Osborne every six months until July, 1903, when he ceased to act. In February Mr. Rigby, another physician, also saw her, but he was not called in again until after the death. On November 30th the prisoner informed a neighbour that her "patient" was dead, and requested her to assist in laying out the body and tidying up the place. The body was then in a front room in a deplorable condition of filth and dirt, and there was a serious bruise corresponding to an internal injury of two broken ribs. The prisoner requested her to move the body into a back room and to say, if questioned, that Osborne had died there. The bedding was soaked through to the floor, and was in a filthy state. The ceiling was also in a state of dilapidation, and the only covering on the body was a nightdress and counterpane. Such was the state of everything in the room, that the neighbours (another woman had also been called in) were overcome

with sickness, and every article had to be burnt. The prisoner then requested Mr. Rigby to come in and certify the death, but he declined to do so, and notified the coroner. When the coroner's officer called and questioned the prisoner, she told him that Osborne had died in the back room, and asked whether he suspected her of neglecting the deceased so as to get her into trouble, as if so she should pack up her things and get out of the way.

The medical evidence showed that the cause of death was starvation and neglect of at least four weeks' standing, and, although the prisoner had stated that Osborne had eaten heartily on November 29th, there was no sign of food in the intestines. The independent medical witnesses expressed the opinion that the lunatic should have been sent to an asylum years ago, as the prisoner was quite unfitted to have charge of her, the lunatic being at times violent.

In answer to the Court, Dr. Coupland, Commissioner in Lunacy, said that a lunacy patient ought not to have passed eighteen months without seeing a doctor, especially when, in July, 1903, she was reported in the Journal to be violent. The prisoner had told him that Mr. Rigby had visited the lunatic in July, 1904. He had reported the case to the Board, but the matter had not gone further, as the prisoner had been cautioned. It had not occurred to him that the prisoner was an improper person to have care of the lunatic, in spite of her advanced age, as the patient had been so long in her charge that their relationship was almost that of mother and daughter. It also appeared that Osborne had not been out of doors for two years, and that she was suffering from grave bed-sores and was in a state of great emaciation.

Mr. Justice Kennedy, in charging the jury, directed them that, if the prisoner chose to undertake the care of a person for profit she was bound to perform her duty, and that, if she felt incapable of performing it, she ought to have called in a doctor. She had only herself to thank for the position she found herself in in having misrepresented facts to the Commissioner in Lunacy and to the coroner's officer and having asked the neighbours to make similar misrepresentations. Osborne's condition pointed clearly to her having been for weeks neglected and uncared for, and that this course of conduct had directly caused her death.

The jury convicted the prisoner, recommending her to mercy on account of her age.

Mr. Justice Kennedy said he had no doubt that this poor lunatic creature had suffered considerably for some time before her death. His only difficulty was in dealing with the prisoner. Gross and criminal as her neglect had been, he must take her age and the recommendation of the jury into consideration, and he would therefore sentence her two months' imprisonment in the second division, she having already been in custody for some time. The grand jury had at the end of their duties made a presentment to the effect that this case ought to be brought to the notice of the lunacy authorities, and he (the learned Judge) regretted that more care had not been taken with regard to this poor demented creature. He trusted, however, that the Commissioners would be more strict in the future. (Lewes Assizes, February 13th, 1906, Mr. Justice Kennedy. *Times*, February 14th.)

The case is a commentary upon the prejudice that still exists against institutions for the insane. There can be little doubt that the motive on which the unfortunate patient was originally placed in private care, rather than in an institution, was this same prejudice. The case also furnishes a grim commentary upon the neglect of the Government to pay regard to the repeated appeals of the Commissioners for an increase in their number. It is manifest, if we read between the lines, that the guardianship of the prisoner would never have been allowed to continue if the Commissioners had been aware of the circumstances, and had had their full attention directed to the case. When the number of Commissioners was fixed, it was fixed in proportion to the work they had to do. This work is now increased fifteen times, and the number of Commissioners remains the same!

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*Rex v. Watt.*

Hugh Watt was indicted for unlawfully proposing to, and endeavouring to persuade, Thomas Worley, James Shuttle, and Herbert Marshall to kill and murder Julia Watt, his wife. Another indictment charged the defendant with unlawfully