

ment vacates the office of the other, the officer or servant whose office or employment is so vacated, shall, unless he is reappointed by the guardians, and except where in the case of husband and wife the joint appointment is terminated owing to the misconduct of one of them, be entitled to receive during life, out of the common fund of the union, a superannuation allowance, according to the scale laid down in this Act, if such officer or servant has attained the age of fifty years, or has served for not less than twenty years. . . .

Subject to the provisions of this Act, every officer and servant in the service or employment of the guardians of a union shall contribute annually for the purposes of this Act a percentage amount of his salary or wages and emoluments according to the scale laid down by this Act, such amount to be from time to time deducted from the salary or wages payable to him and to be carried to and form part of the common fund of the union.

The percentage amounts to be deducted annually for the purposes of this Act shall be as follows, that is to say:— In the case of officers and servants with less than five years' service at the passing of this Act, or appointed after the passing of this Act, two per cent. of the salary or wages and emoluments for each year: In the case of officers and servants with more than five and less than fifteen years' service at the passing of this Act, two and a half per cent. of the salary or wages and emoluments for each year. In the case of officers and servants with more than fifteen years' service at the passing of this Act, three per cent. of the salary or wages and emoluments for each year. . . .

The Local Government Board may, if they think fit, determine any question which may arise between guardians or any other authority to whom this Act applies and any officer or servant, and which may be referred to them by either party, as to the right to or the amount of superannuation allowance of such officer or servant, and the decision of the Local Government Board shall be binding and conclusive. . . .

Besides what is printed above there are sections dealing with cases of subsequent appointments, forfeiture for fraud etc., regulations as to returns, and to existing officials, etc., etc.

THE LUNACY BOARD OF IRELAND.

An order of the Lord-Lieutenant and Privy Council was published in the *Dublin Gazette* of April 16, reconstituting the Board of Commissioners for the general control of asylums for the lunatic poor in Ireland, and appointing the following to serve as Commissioners:—Mr. Justice Holmes, Mr. Thomas Robertson (Chairman of the Commissioners of Public Works), Dr. O'Farrell (Inspector of Lunatic Asylums), Sir Francis Cruise, M.D., Mr. Charles Kennedy, J.P., and Mr. J. Malcolm Ingles, J.P.

MEDICO-LEGAL CASES.

REPORTED BY DR. MERCIER.

[The Editors request that members will oblige by sending full newspaper reports of all cases of interest as published by the local press at the time of the assizes.]

Regina v. Kempshall.

Catherine Kempshall, 32, of no occupation, was indicted for the wilful murder of Edgar Holland. Prisoner had lived with the deceased as his mistress; had brought an action against him for breach of promise of marriage, which was settled out of Court, the plaintiff to receive £1,000 without costs, to give up all letters and to undertake not to molest the defendant. This agreement the plaintiff subsequently repudiated on the ground that she was not a consenting party. The action was therefore proceeded with, and judgment was given against her in July, 1895. On the result being declared the prisoner had

an outburst, which is described by the reporter as one of "positive frenzy," in which she rushed at the defendant in Court exclaiming, "You beast! pay me! pay me!" and continued to struggle until she was quite exhausted. On the same day she was brought up at the Central Criminal Court for attempting to discharge a pistol at a sister of the defendant, and acquitted. Subsequently she appealed against the result of the trial of the civil action, and her appeal was dismissed. She continued for years a course of annoyance and molestation against the deceased, against his family, and against the solicitors and others who had been concerned in defending him. She broke the windows of a solicitor's office, she assaulted solicitors' clerks, she threatened repeatedly to murder not only the deceased but his solicitors; and she declared that solicitors, counsel, and judges had been bribed by the deceased to defeat the ends of justice and to persecute her. At length she went by appointment to meet the deceased and his solicitor at the office of the former. The deceased promised to provide for her, but remonstrated with her for pretending that he had promised to marry her, upon which she retorted, "You lie, you beast!" and discharged four shots from a revolver at him, inflicting wounds which were ultimately fatal.

At the trial it was proved that prisoner had repeatedly threatened to take the life of the deceased, and had planned with considerable ingenuity to follow him to France and carry out her purpose there, in order that she might have the advantage of the notorious lenity of a French jury.

For the defence, Dr. Wiglesworth proved that he had been instructed by the Home Office to examine the prisoner as to her state of mind. There could be no doubt that for some time before the murder her mind was dominated with the idea that she was the victim of a conspiracy, and that the deceased, together with some of the most eminent members of the legal profession, were banded together against her. He thought that at the time the murder was committed the prisoner suffered from delusions. Whilst sane on other topics this delusion dominated her mind and influenced her conduct.—Cross-examined: Do you mean to say that when she shot Mr. Holland she had no idea she was doing wrong?—Witness: I do not mean to say that at all.

Dr. Beamish, medical officer of Walton Prison, deposed that it was obvious that prisoner suffered from delusions with respect to the conspiracy against her. As her health deteriorated those delusions would obtain almost complete dominance over her. He was of opinion that the prisoner was suffering from a form of insanity known as mania of persecution.

Dr. Davies gave evidence as to insane utterances of the prisoner, and was of opinion that when she shot Mr. Holland she did not know that she was doing wrong. Where Mr. Holland was concerned she was insane.

The Judge (whose summing up is very inadequately reported) appears to have charged the jury in the strict terms of the law. The mere existence of a delusion in the mind of a person charged did not necessarily render that person irresponsible. The jury had to consider the nature of the delusion, and unless it was of such a nature that if true it would have justified the act, they must find the prisoner guilty.

The jury found a verdict of guilty, with a strong recommendation to mercy Liverpool Assizes, March 19 (Mr. Justice Collins).—*Liverpool Mercury* March 20.

Alienists will probably agree that this wretched woman really is insane, and there is little probability of the capital sentence being carried into effect.* The case is important, as being the first case that has occurred since the appointment of the Criminal Responsibility Committee three years ago, in which an unqualified verdict of guilty has been given in the face of strong and unanimous medical evidence that the prisoner was insane. Furthermore, there can be no doubt that this verdict was due to the terms in which the jury were charged by the judge. He appears to have told them that it was necessary for the

* She was subsequently reprieved and sent to Broadmoor.

defence to show, not only that the prisoner had a delusion, not only that the delusion was calculated directly to inspire the criminal act, but that in addition it was of such a character that, if true, it would have justified the act. This relapse on the part of the Bench to a legal position which has of late years been quietly sinking into oblivion is much to be regretted; and it is the more to be regretted since it occurs in the case of a judge recently elevated to the Bench, and belonging to a younger generation upon which the hopes of our profession for an interpretation of the law more in accordance with the principles of modern science are largely built. At the same time it must be pointed out that the judge had much justification for taking the view that the prisoner ought to be convicted. Whatever symptoms of insanity she had displayed at and subsequent to the time of the crime she had displayed for months and years before that time. She had repeatedly been in prison, and had there been under the notice of the prison medical officers. Whatever her mental peculiarities they had not been concealed. They had been open and notorious; the subject of reports and editorial comments in the newspapers. And yet, although her conduct has been outrageous, and her actual violence and murderous threats had been matters of public notoriety for years, no step had been taken to place her under control. The judge might very well have argued that if her insanity was not sufficiently established to enable her to be put under control, it was not sufficiently established to exempt her from the punishment she had incurred. The responsibility for the crime lies really not so much with the prisoner as with the state or the administration of the law which allowed her to be at large.

Winkle v. Bailey and Others.

A lunatic detained in the Lancaster Moor Asylum, who had been in the Wilmington Workhouse, and had been removed to the Asylum under an order of the Chairman of the Guardians, was found by the relieving officer to be entitled to a sum of money, amounting to about £225, £165 of which was in the hands of trustees. The guardians thereupon obtained from the justices a summons against the trustees, under Section 299 of the Lunacy Act, and on this summons an order was made by two justices to seize the sum in the possession of the trustees. The trustees refused to deliver the money on the ground that the Master in Lunacy had made an order appointing the Official Solicitor receiver of the personal property of the lunatic. The order also directed the receiver to pay the money already due for the maintenance of the lunatic, and whatever should become due while she remained in the Asylum. In spite of this notice the guardians endeavoured to levy the sum from the trustees by distress and sale of their goods. The Official Solicitor, as next friend of the lunatic, then applied for an injunction to restrain the proceedings of the guardians.

Mr. Justice North said that the guardians had acted most improperly. He made an order that the trustees should hand over the £125 without prejudice to their claim for costs, etc., to the receiver, and that the guardians should pay the costs.—Chancery Division.—*Times*, December 11th.

The Recent Lunacy Commission at Bolton.

At the Bolton County Court, during the last week in January, Mr. Fischer, Q.C., one of the Masters in Lunacy, was engaged, with the assistance of a jury, in holding an enquiry respecting the state of mind of Mr. Arthur Knowles, a Bolton cotton spinner. The proceedings were instituted on the petition of the wife, and the case, which was of a somewhat unusual and painful nature, created much local interest. In such cases the rule is laid down that evidence relating to the presence of insanity in the alleged lunatic must be restricted to a period of two years preceding the inquisition. The testimony of the witnesses, both lay and medical, was of a contradictory character. Three medical men, including the family attendant, testified to the defendant's mental incapacity; on the other hand, several experts gave it as their opinion that he was capable of managing his affairs. Between the latter and the petitioner's counsel there was a pretty