

Dr. Bacon (by the Foreman): I think a man who is insane is not accountable for his acts. I think Warwick is a person who is not fit to be at large because of his violent tendencies, and that is the reason he was sent here from the Chesterton Workhouse.

By the Coroner: If he had been a person fit to be at large he would not have been detained in the asylum. He was not subject to delusions like the deceased; his is a case of chronic epilepsy.

John Wivell deposed: I am the second attendant of No. 2 ward on the male side of Fulbourn Asylum. Yesterday morning I was in charge of the ward at twenty minutes after eight o'clock; had been in charge since half-past six in the morning. I had seen Warwick and he was orderly as usual till this affair took place, and so was Taylor. Breakfast was at eight o'clock in the dining-room; I remained in the ward whilst they went to breakfast with the patients who did not go down. The deceased and Warwick did go. About twenty minutes past eight the patients returned to the ward; I was in the bathroom attached to and opening into the ward, bathing a patient, and Attendant Ayres called me to know if all the things were on the trolley that had to go back to the kitchen, and as I came outside the door to see, I saw George Taylor standing with his face towards me just outside the door, and Isaac Warwick came slyly up behind him and knocked him on the side of the head with his fist. George Taylor fell insensible to the ground. I at once went to Taylor, who I saw was very much hurt; he seemed as if he was in a fit; Ayres was there, and I left Taylor in charge of him, and went immediately for the doctor.

Robert John Boyd deposed: I am a duly qualified medical man, and the assistant medical officer at this asylum. I was called yesterday morning about half-past eight to see deceased at No. 2 ward on the male side. I found him lying on his back with his shirt collar and tie undone. I examined his pulse and heart, and found that the circulation and the action of the heart had stopped. He was quite dead. I have known Warwick about a year. I have seen him violent at times, and abusive. On one occasion a fit came on suddenly—on the occasion that he kicked Wivell.

George Edward Wherry deposed: I have made a post-mortem examination of the body of the deceased. I found the body of an apparently healthy man, with no evidence of external injury. Further examination revealed some adhesions of the pleura and pericardium of old date. The lungs were congested. The kidneys and liver were healthy. The cause of death was found in the brain. A large blood clot which filled the fourth ventricle surrounded the medulla and pons and extended nearly all over the base of the brain. There was blood in the anterior fissure and in the fissure of the Sylvius, also on the surface of the hemisphere. The cause of death was the pressure of blood on the nervous centres. Such a death would be very sudden. Such a blow as has been described would be a probable cause. The vessels of the brain were thin, and would readily give way.

The Coroner informed the jury that the first question they had to consider was the cause of the death of the deceased; secondly, whether any person had done anything to produce his death which would render them responsible to the law; and thirdly, what was the state of mind of the person at the time that he committed this act. The facts left no possible doubt in their minds that Taylor died from the effects of the blow inflicted by Warwick, and he thought the evidence was equally conclusive as to Warwick's state of mind being such at the time when he committed this act as rendered him irresponsible. He said that, so far as he could see, there was no blame attributable to any of the attendants or the authorities for this unfortunate circumstance.

One of the jurymen asked if Warwick could not be called, in order that they might ask him how he came to strike the blow.

The Coroner asked Dr. Bacon whether, if Warwick were called, he could appreciate the caution which it would be his duty to give him, that he was not obliged to answer any questions which might tend to criminate himself.

Dr. Bacon replied in the negative.

The Coroner said he could not allow him to be called.

The jury at once returned a verdict "That the deceased died from the result of a blow administered by Isaac Warwick, who was in an unsound state of mind, and not responsible for his actions."

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## LEGAL INTELLIGENCE.

### IMPORTANT WILL CASE.—DISPUTED TESTAMENTARY CAPACITY.

#### PROBATE, DIVORCE, AND ADMIRALTY DIVISION.

(Before the Right Hon. the PRESIDENT and a Special Jury, on May the 10th, and six following days.)

Mr. Henry Matthews, Q.C., Mr. Inderwick, Q.C., and Mr. Bargrave Deane, appeared for the plaintiffs; Sir John Holker, Q.C., Mr. Middleton, and Mr. Page, were for the defendants, and the intervener, Charles Rudolph Thompson; Dr. Swabey appeared for Mrs. Garvington, another intervener.

The plaintiffs propound the last will, dated August 1, 1880, of the Rev. Thomas Troughton, who died on September 16 of that year, at the age of 63, possessed of property, value £75,000. The defendants oppose this will on the ground that it had been obtained by undue influence of the plaintiff, the Rev. Charles Kishaw Dean, and of a German female servant, named Huwig, who had lived with the testator.

By a previous will, dated 26 June, 1876, the bulk of the testator's property was left to the sons and daughters of a cousin of the deceased, and a legacy of £1,075 only to Dean, with whom testator had become acquainted in 1841.

Other wills were also made within a short period before the testator's death, in favour of different relatives, all of whom were interested in upsetting the will in favour of Dean.

Numerous witnesses were called on both sides, those in favour of Dean affirming that they had never witnessed any act of the testator which could point to unsoundness of mind. The most important witness on the side of the plaintiff was Dr. Brown, of Preston, who had visited the deceased not less than 38 times during the last three months of his life, and treated him for the consumption of which he died, and had never observed any mental aberration. It is, however, worthy of remark, that Dr. Brown was, on every occasion, kept waiting twenty minutes before he saw his patient, and also that he was only charged with the treatment of the bodily disorder of the testator, and not with any authority to enquire into his mental condition. He admitted his extreme irritability, and that he was very peculiar. Dr. Brown was dismissed suddenly without reason, and testator took an antipathy to him, trying to get a friend not to employ him. Shortly before this he had said that he was much neglected under Dr. Brown's treatment.

On the side of the plaintiffs, Mr. Oram, a schoolmaster, was called, whom the testator had, in the year 1855, attempted to murder with a razor, intending to commit suicide afterwards. It was clear that at the time of this attempt the testator was insane. Moreover, numerous acts of eccentricity, alterations of character, excitement, as testified by shouting and bad language, refusal of food, inability to conduct business matters, and extravagance in expenditure, were sworn to as indications of insanity, although no distinct delusions could be proved.

After a trial lasting seven days, Dr. Clouston and Mr. Page, of Carlisle, were examined as expert witnesses. Dr. Clouston said that an attempt at murder and suicide, without outward cause, unquestionably indicated insanity. He said that after a person has once been insane there is a greater liability to its recurrence, and especially in the course of any exhausting disease. He said that consumption had a special tendency to be associated with a certain form of mental disease, the chief symptoms of which were morbid irritability and suspicion, with unsociability and causeless aversions to relations and friends. He said that mental disease was in certain cases so subtle that it was most difficult to detect, as in a case when a patient of his concealed a delusion for twelve months, and in certain other cases it needed to be specially examined into by skilled and competent persons to be discovered. He said that if a man had once been insane before, had remained peculiar, hypochondriacal and irritable, if he had then become consumptive and weak in body, and his peculiarities had become much developed, so that he suspected and quarrelled with any old friends without any cause whatever, threw over relatives and treated them differently from what he had ever done in his whole life, often lost self-control so much as to scold, shout, and talk incoherently without cause, and could not bear the least contradiction; and if in this condition he took to making wills—making three in three weeks, altering the whole disposition of his property in each, depriving in one, a relation, to whom he had left the bulk of his property, because he had asked him to make an inventory of his furniture, and had finally left almost all his property to an old friend who was no relation at all—then, in his opinion, such a man was influenced by insane delusion in the final disposition of

his property, his testamentary capacity being interfered with by the morbid fancies of his brain in regard to his relatives to whom, in his more sound judgment and when well in body, four times before he had left his property by will. In cross-examination he admitted that it was entirely a matter of degree whether irritability and suspicion constituted insanity; that a man might be insane and recover perfectly; that a combined suicidal and homicidal attack might be of short duration, and might be perfectly recovered from; that the ideas he had expressed as to the special connection between consumption and insanity were his own, and though admitted now by many eminent men, were not universally accepted. He said that no doubt a medical man in attendance had the best chance of seeing a patient's mental state, but he might not be thinking of this aspect of his patient, and might not have all the facts before him on which to found a conclusion. Dr. Clouston's evidence was specially commended by the President for its clearness and fairness. Mr. Page concurred generally with Dr. Clouston in his evidence.

Dr. Sutherland had previously instructed the counsel for the defendants in the line they were to take medically, and Dr. Bucknill instructed counsel for the plaintiffs.

The President summed up the case to the jury, dwelling strongly on the facts that the medical men had stated that the insanity was not incurable—that suicidal mania was frequently due to sudden impulse, and that though a man might labour under it for a considerable period, he might at the same time be of sound mind; that the letters of the testator showed that he was a man of superior intellectual power down to a very recent period of his life, and that there were no real delusions on the part of the deceased. He also dwelt on the fact that he had never been treated by any one during his life as being insane.

The jury retired, and after deliberating for a few minutes, found a verdict for the plaintiffs on all the issues.

The Court pronounced for the will, costs to follow the event in the case of the defendants, but the intervener not to be condemned in costs.

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### Correspondence.

#### ILLUSIONARY AND FRAUDULENT ASPECTS OF SPIRITUALISM.

*Second Letter from Mr. STUART C. CUMBERLAND.*

*To the Editors of the "JOURNAL OF MENTAL SCIENCE."*

GENTLEMEN,—Dr. Edmunds demonstrated the fact before the Sub-Committee of the Dialectical Society formed to meet Mr. Home, that heavy though the table used by them was it could, with the slightest muscular exertion, be very readily oscillated. There is nothing, therefore, very extraordinary in several people standing round a table, thoroughly impressed with the idea that eventually it will rise, to unconsciously clutch the edge of it and lift it up themselves, imagining the whole of the time that they have had no hand in what, to their mind, is a positive instance of "spirit" or "psychic" power. With a confederate a medium may easily, without risk of detection, cause a good-sized table to be raised several feet from the ground. It may be, and is often done in this fashion:—Round the medium and his confederate's wrists are clasped flat fine steel bracelets, and sliding between the inside of each bracelet and the flesh is a long blade of steel or iron. All this is hid by the coat sleeves, and when the medium and his confederate take their places at the table *opposite* each other the secreted machinery is quite indiscernible.