it; it was his own fault." In summing up the judge drew attention to the evidence as to the prisoner's lack of intelligence, and pointed out the provocation received might have affected him more strongly than it would a person of ordinary mental calibre. Guilty of manslaughter. Three years' penal servitude.—Carmarthen Assizes, Mr. Justice Bucknill.—*Times*, Nov. 11th.

This case is notable for the recognition, still too rare, although it is gradually increasing of the principle of partial or limited responsibility. It is natural, and it is pleasing to find this principle recommended by a judge so enlightened and so well grounded in psychology as Mr. Justice Bucknill.

Reg. v. *Jennings.*

Robt. Jennings, 60, labourer, was indicted for the murder of his wife. The jury was first impanelled to try whether he was fit to plead, and decided in the affirmative. Prisoner was seen holding his wife under water. The man who witnessed the occurrence got the woman out of the water and ran for assistance. Another man came up and prevented the prisoner from further injuring his wife, and there was a struggle between them. Other men came up and prisoner fetched a gun, which he pointed at them, and they ran away. Prisoner then took his daughter and carried her towards the water, but stumbled over the body of his wife, and the daughter escaped. He then jumped into the water and pulled his wife after him, and held her head under water. Guilty, but insane.—Cambridge Assizes, Mr. Justice Ridley.—*Times*, Jan. 1st, 1900.

Reg. v. *O'Byrne.*

Thomas O'Byrne, 29, labourer, was indicted for the murder of his brother-in-law, James Pullan. Prisoner and deceased had a trifling quarrel, in the course of which prisoner leaned over a table that stood between them and stabbed the deceased in the chest with a small knife, of which he died. Pullan said, "Oh! Jim, I did not think you would do that." Prisoner replied, "I am sorry; I should not have done what I did." Both were in drink at the time. His lordship's charge to the jury is well worthy of being recorded: A state of drunkenness deliberately produced was no defence for any crime whatever. When, however, the existence of a certain intent—that is of positive mental activity—was of the essence of an offence, and drunkenness disabled a prisoner from forming any intent at all, it clearly disabled him from commission of that particular offence, simply because a material element in it was lacking. It was for the jury to decide whether the prisoner was in such a condition as to intend to commit serious bodily harm on the deceased. It was worthy of notice that the police officer who arrested the prisoner did not charge him with the offence because of his drunken condition. Guilty of manslaughter. Liverpool Assizes.—Mr. Justice Kennedy.—*Times*, Dec. 4th.

The jury did not share the very humane and enlightened view of the judge, but found prisoner guilty. The problem of when, and under what circumstances, and how far drunkenness, or rather the effects of drink, are an excuse for crime, is an extremely difficult one. It is admitted that ordinary drunkenness is no excuse, and it is admitted that delirium tremens and the permanent insanity due to alcohol do form valid excuses. The difficulty arises in cases of brief debauchery, which occupy an intermediate position. In dealing with these cases the charge of the judge in this case will be of great assistance.

A curious case has occurred at Manchester, in which a man was indicted for the murder of his wife and acquitted. Subsequently he confessed the crime, but of course he could not be again tried. He was, however, brought before the magistrates by his own physician, and while under arrest he appeared to be insane. Having been already acquitted of the crime the magistrates had no jurisdiction over him, and he was discharged and re-arrested at once as a lunatic wandering at large.—*Manchester Guardian*, Feb. 13th.

Charleston v. *Steward.*

Jessie Charleston sued David Steward for breach of promise of marriage. Among other grounds of defence was that several relatives, both on the father's and mother's side, had suffered from insanity. There was no suggestion of insanity

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in the lady herself, but only in members of her family. The Sheriff Substitute had held that these averments were irrelevant, and that the defender had no case. The defender appealed. The procedure of the Scottish courts is a little difficult to follow. The appeal was allowed and the case sent for trial, but at the same time the Court of Appeal abstained from saying whether the plea was relevant or no. —Court of Session, June 8th.—*Scotsman*, Jan. 10th.

Redfern v. *Gough.*

Joseph Lamb, the testator, was admitted into Cheadle Asylum in 1891, and was discharged therefrom in March, 1892. Shortly afterwards, finding that his mind was again becoming affected, he voluntarily returned to the Asylum, where he remained. In March, 1894, he was desirous of making a will, and Drs. Rayner and Scowcroft were of opinion that he was competent to do so. The will was correctly made and executed in the Asylum. It was now admitted to probate by Mr. Justice Barnes.—*Manchester Guardian*, Nov. 18th.

REPORTED BY DR. PERCY SMITH.

Bedford v. *Jackson.*

The following case, in which a will made by a patient while insane was upset and probate of an earlier will was granted, seems worthy of record, if only for the fact that at the formal trial in the Probate Division of the High Court no attempt was made to dispute the evidence of insanity or to uphold the will made while the patient was insane.

H. B—, æt. 86, was said to have been "eccentric" for years; to have been in the habit of going out always with an umbrella up, so that people should not see him, and on one occasion to have wired to his brother, asking him if he were of sound mind, when there was no reason to doubt this.

He had some property, which he managed jointly with his brother and nephew (a solicitor), but which the latter managed for him from 1892 to 1896. During this period the "eccentricity" continued. He used to keep the blinds down in the front of his house and the front door permanently shut. He used to keep one part of the house entirely to himself, only allowing the servant in for cleaning purposes, and then locking himself in. People used to call him "the old lunatic," and at one time he spoke of complaining to the justices about this.

By a will made June 22nd, 1892, he benefited his relatives, and there was nothing unreasonable in its contents.

In 1896 he changed in his manner to his nephew, who, on visiting him, found that he locked himself in his rooms, and that it was very difficult to obtain access to him. He asked his nephew if he was "better," and said, "You have been mentally afflicted," though there was no reason for this. He ceased to pay the share of rents received to his nephew, on the ground that the latter could not give a valid receipt, and this continued for three years.

In March, 1899, his nephew visited him at the express request of the rector of the parish, as his condition was becoming notorious. When his nephew appeared he called him an "impostor," and on his nephew's visiting-card, which was afterwards found among his effects, he had written "from an impostor, March, 1899." He also called his nephew and the latter's brother "thieves and lunatics," and then shut himself up in his room.

On July 2nd he is said to have stood in the road shouting out that the passers-by were "lunatics." He had a hammer in his hand, with which he was striking the doors and fences. He is said also to have called ladies "whores and prostitutes." About this time he also violently assaulted an old man, and had to be forcibly removed from him.

On July 3rd he went to a new solicitor, having quarrelled with the one who had acted for him before, and made a new will, ignoring his relatives and leaving his property to charities.

On July 12th, having become more excited and violent, he was certified, and was sent to the Holloway Sanatorium. While there the excitement passed off, but he continued to be insane; did not realise the nature of the institution, nor that he was under medical care; continued to believe that his brother and his nephew

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