might be allowed to make a will—although, of course, without undertaking to say that it would be valid—and that the actual preparation and execution of the disputed instrument were preceded and accompanied by every possible precaution on the part of testatrix's solicitor. In the event the jury pronounced in favour of Miss Roe's testamentary capacity—a conclusion at which we might not perhaps have been able to arrive—but which it was perfectly possible for reasonable men to adopt under the circumstances, and the verdict was received in Court with the popular applause which the judicial obliteration of the stigma of insanity never fails to elicit. The course of this case was seriously impeded by the fact that all the reports of the Chancery Visitors with regard to Miss Roe were presumably destroyed at her death, and, at any rate, were not forthcoming for the purposes of the trial. We trust that Section 186 of the Lunacy Act, 1890, which renders this absurdity possible and lawful, will receive the early attention of the Legislature.

Morley v. Loughnan.

The case of *Morley v. Loughnan* is equally interesting to the student of human nature, the lawyer, and the psychologist. The details of the strange and painful story on which it turned are, no doubt, familiar to our readers, but a sketch of the salient features may not be inopportune. The late Mr. Henry Morley, from whom the defendant, Mr. W. H. Loughnan, a prominent member of the Close Sect of Plymouth Brethren, was alleged to have obtained sums of money, amounting to about £140,000, by undue influence, was an epileptic, possessed the exaggerated warmth of sentiment, the liability to alternate depression and elation, and the need for external guidance, which epileptics frequently display, and though not positively insane, passed at least the greater portion of his life on the borderland between the world of sane men and the realm of minds diseased. Conscious of the risks to which his son's mental condition exposed his substantial fortune, Mr. Morley's father had placed him under the friendly control of "companions;" and, when the narrative opens, this desirable appointment had just fallen to the lot of Mr. W. H. Loughnan. In the creed of the Close Sect of Plymouth

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Brethren the duties of entire dedication of property to religious purposes and sequestration from worldly society hold a cardinal place, and Mr. Loughnan laboured faithfully, and not without success, to imprint them upon the mind of his impressionable ward. At no time, however, was the balance between these great principles very accurately adjusted in Mr. Loughnan's teaching. At first the duty of dedication received excessive prominence, and Mr. Morley was dramatically asked whether the luxury with which he was surrounded was worthy of a disciple of Christ. Then the duty of sequestration became the lesson of the hour, and the imperative claims of dedication were somewhat feebly insisted on. At length Mr. Morley, after having written a letter of farewell to the world, went to live with his protector. Mr. Loughnan lent himself nobly to the task of making his self-invited guest's seclusion from temporalities complete, managing his business, conducting his correspondence, accepting large donations from his superabundant wealth, and drawing around him a close cordon of associations, corroborative of his own influence, from which Mr. Morley was only released by the hand of death. Then it appeared that Mr. Loughnan had benefited by his ward's weak generosity to the extent of £140,000, and the executors of the deceased gentleman properly subjected the nature of the relationship that had existed between Mr. Morley and his "companion" to the searching scrutiny of the Chancery Division. Into the miserable devices by which Mr. Loughnan endeavoured to resist first, the executor's claim, and, secondly, the exposure which its prosecution involved, we need not enter. Suffice it to say that Mr. Justice Wright, sitting as an additional judge of the Chancery Division, held that the gifts from Mr. Morley to the defendant were vitiated by the undue influence of the latter, and that the plaintiffs were entitled to receive the whole amount from him, and even from the innocent subdonees into whose hands part of the spoil had passed. We observe with surprise the statement in the pages of a legal contemporary that "this case presented no new legal difficulties." The inaccuracy of this assertion is readily demonstrable. There are two classes of cases in which donations are set aside on the ground of undue influence; first, cases in which there is positive evidence that coercion has been brought to bear upon the donor; secondly, cases in which there existed a relation between the donor and the donee, capable of giving, and

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calculated to give rise to undue influence, and the donee is unable to prove affirmatively that the donor had independent advice. Mr. Justice Wright held that in the case of *Morley v. Loughnan* there was positive proof of undue influence having been exercised. But his lordship was also prepared to hold, if necessary, that the relation between Mr. Morley and Loughnan was such a relation as brought the defendant within the second class of cases above referred to, and threw upon him the onus—which he had utterly failed to discharge—of vindicating the voluntary character of the gifts. This, if we mistake not, is a distinct advance upon previous decisions, and it will render the law of undue influence for the future much more difficult of evasion than it has been in the past.

Compulsory Legislation for Habitual Drunkards.

In the year 1890 the late Dr. Henry Monro sketched the following suggestions for a petition to Parliament on the subject of habitual intemperance.

Compulsory powers required.—That medical men should sign a statement that they consider certain forms of inebriety the result of *disease*, and consequently that such cases need the only remedy which is likely to prove of any real benefit, viz., *compulsory* seclusion in retreats or homes suitable for their treatment and cure.

Voluntary seclusion inadequate.—The present law permitting *voluntary* seclusion is almost useless, as persons suffering from the disease have a wholly *enervated will*, and are, in consequence, usually incapable of the resolution necessary to take any such steps of their own accord, for the purposes of their own cure, however much they may desire from time to time to escape from the overpowering impulse towards alcohol.

Method of certifying.—We would therefore earnestly entreat for legislation on the special point of *compulsory* seclusion under some such provisions as the following:—

We would suggest that one member of the family of the inebriate (or two if deemed more desirable) should "request," two medical men should "certify," and some judicial authority should be instituted, say a Commissioner for Intemperance, or Magistrate, or any other officially appointed person, to "authorize" any such certificate for seclusion.

Objection to ordinary lunatic asylums.—We do not deem it desirable for the ordinary lunatic asylum to be assigned for the reception of these cases, "as, though such persons have lost

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