Crichton and Another v. Ferguson and Others.

A complicated probate case, in which the will was opposed on the usual grounds. The judge charged the jury that they had not to try the question whether the testatrix was sane or insane; they had to consider the will, and to say whether the testatrix had mind enough to understand it, and whether she did understand it. They must not break the will unless they thought either that she had not sufficiency of mind to make it, or that she was weak and was led into making it by other people. It will be seen that the terms of the charge are much narrower than is customary in the English courts. Nothing is said as to the capacity of the testatrix to appreciate the several claims upon her bounty of those whom she excluded and those whom she included among the beneficiaries under her will. All that is left to the jury is whether she "understood" the will. The jury found for the pursuers and against the will.—Court of Sessions (the Lord President).—*Scotsman*, July 23rd, 1898.

Bristol Royal Infirmary v. Arlett.

The testator was a man admittedly of great eccentricity, but exceedingly shrewd and competent in business matters. In June, 1887, he went to live with his sister, and in the following September instructed his solicitor to make a will in her favour. In May of the following year there was some "tremendous disturbance" in the home, which ended in the testator being taken to the police station and charged with attempting to murder his nephew. Shortly afterwards he instructed his solicitor that he wished to leave all his property to the plaintiffs. In May, 1891, he executed, despite the opposition of his solicitor, a will in this sense, and took the precaution of depositing the will at Somerset House for safe custody. He died in May, 1897. The jury found against the will.—Probate Division, May 18th, 1898.—*Times*, May 19th.

Reed and Another v. The Solicitor to the Treasury and Others.

Probate case involving the validity of the will of a person who admittedly suffered from delusions at the time of execution of the will. The solicitor who took instructions for the will had been informed of the condition of testatrix, and tested her sanity as well as he could. The judge charged that it was quite clear that in this case the delusions had in no way affected the making of the dispositions in the will, which, moreover, seemed a most sensible and reasonable will, and which he pronounced for.—Probate Division (the Right Hon. the President).—*Times*, July 14th, 1898.

The solicitor who took instructions for the will knew that the testatrix suffered from delusions, and tested her sanity as well as he could. It does not appear—and the omission strikes us as lacking in reasonable precaution—that any expert in lunacy was employed to ascertain the disposing power of the testatrix. Fortunately, if strangely, no ill result followed.

Barker v. Barker and Dearsley.

The testator had lived with his wife "in perfect peace and amity" for thirty-two years until 1894. In 1870, 1878, and 1894 he executed wills entirely in her favour. In 1893 he had a fall, and his mind became affected, so that he had to be detained in Wandsworth Asylum. In November, 1894, he was released at his wife's request, and thereafter his mind was greatly affected. He talked about "conspiracies" and of having his revenge, and complained that his wife and other people were whispering about him; became addicted to the use of foul and disgusting language towards his wife, and had various delusions that he was wanted by the police, &c. In June, 1896, he made another will, under which his wife took only a life interest.

The judge told the jury that a testator must have a proper appreciation of the property that he possessed, and of the claims of those whom he ought to remember. With regard to delusions, to be material they must be such as would affect the

making of the will. The jury found for the will.—Probate Division, April 25th, &c., 1898 (Mr. Justice Barnes).—*Times*, April 28th.

Another illustration of the tenacity with which juries will cling to a will. Hostility to his wife was a prominent element in the testator's delusions. The effect of the will was to prejudice the wife's interests. Yet the jury upheld the will.

Donald Ross v. William Ross's Trustees and Others.

A probate case. The pursuer, D. Ross, sought reduction of the will of his brother, W. Ross, on the grounds that the testator was of unsound mind and incapable of managing his affairs, and that the will was impetrated from him when he was weak and facile by the defenders. The evidence was of the usual contradictory character, and the judge summed up strongly for the will; but the jury, notwithstanding, found a verdict upsetting the will, but exonerating the defenders.—Court of Session (the Lord President), March 14th and 15th, 1898.—*Scotsman*, March 15th and 16th.

This case shows that it is very much easier to upset a will in Scotland than in England. In England the "pursuer" would have been very ill advised to bring an action, and would certainly have lost it.

Spence v. Spence.

This was a probate action, the will being disputed on the usual grounds. It was proved that the testator was an habitual drunkard, that he was "always soaking," "almost always delirious," and had been repeatedly under treatment for delirium tremens. By his will he left the whole of his property to his wife, to whom he had been married a few months, and whom, it was said, he had known only for a month before marriage. The jury found for the will.—Manchester Assizes, March 1st, 1898.—*Manchester Guardian*, March 2nd.

Browning v. Green.

Plaintiff was a nurse, and in that capacity had the care of defendant, a dangerous lunatic. Defendant, in an outbreak of violence, struck the plaintiff a blow in the eye, whereby the sight was permanently destroyed. For the defence the facts were admitted, but it was pleaded that defendant, a lunatic, was not liable for an assault. The jury found for the plaintiff, with £78 damages; and upon an intimation from the judge that he hoped nothing more would be heard of the point of law, the defence was abandoned.—Birmingham Assizes (the Lord Chief Justice), March 24th, 1898.—*Times*, March 25th.

Re Charles Clarke.

This was an important appeal, involving the rights of a judgment creditor as against a receiver subsequently appointed under Section 116 of the Lunacy Act, 1890. The case, however, is of no medical interest.—*Times*, March 8th, 1898.

In re the Earl of Sefton.

This case in the Court of Appeal decided an important point with respect to dealing with the property of a lunatic, but is of no medical interest.—*Times*, June 15th, 1898.

In re Lamond.

An inquiry into the state of mind of Miss Cordelia Warde Lamond. It was proved that the lady had employed eleven detectives and thirteen solicitors in connection with her affairs. She had brought two actions against the Hôtel Métropole, two against Sir George Lewis, one against the Hôtel Cecil, five against officers of the Irish Rifles, and one against a naval officer. Most of these actions were for slander, and all had failed. In her bankruptcy there were thirty claims against her estate—seventeen by solicitors and five by detectives. The jury found that she was incapable of managing her affairs, but capable of managing herself, and was not dangerous to herself or others.—Before Mr. J. Fischer, Q.C.—*Times*, June 22nd, 1898.