But if the "delusive idea" concern a subject in which the senses play no part, the "plain evidence" by which it is to be discharged is matter of reasoning and addressed to the intellectual faculty.

No man knows aught of the condition of another's mind except by comparison with his own. In instituting this comparison we recognize the general fact, that all mankind are endowed with the same sense, moved by the like emotions, governed by the same restraints, guided by the same faculties. These vary in their force and action in different individuals or the same individual at different times, but vary within certain limits only. It is when the words and deeds of others, referred to our own standard, and that which by experience is found to be the common standard of the human race appear to transgress those limits, that we suspect those common senses, emotions, and faculties, which we know to exist, to be the subject of disease. Their divergence is the simple rule by which mankind pronounce upon mental disease. But to those who have studied the subject of insanity another method is open. It is the especial business of those who devote themselves to the mitigation or cure of this fearful malady, to study the ways and forms of thought and expression which attend upon it. The physician can reason from the certainly to the probably deceased mind, and can trace in the latter lineaments clearly marked in the former. The world at large contrast the doubtful case with the sane, the physician has at hand the alternative controst with the insane. A consequence of these alternative methods of judgment is that the question of insanity (though it falls to the lot of a legal tribunal) is properly a mixed one, partly within the range of common observation, is so far fit to be considered by a jury, partly within the range of special experience, and in so far the proper subject of medical inquiry.

The Court then must inform itself as far as opportunity permits, of the general results of medical observations, and approach this subject in the opposite sides thus indicated, searching for a fit conclusion, by alternately presenting the parallel between sanity and insanity, to the sayings and doings of the testator.

Hence the will of a testatrix should be set aside who was proved to be labouring under some extraordinary delusions in the matter of religion. She had a large fortune, about a million of money, which was ill husbanded. She quarrelled with her relations without cause, and believed that her sister's family was doomed to everlasting perdition. She conferred extravagant benefits on those about her, though strangers in blood, and lived a secluded life.

It is of the essence of an insane delusion that as it has no basis in reason, so it cannot by reason be dispersed, and is thus capable of being cherished side by side with other ideas with which it is rationally inconsistent.

It is hardly by their mere test of their reasonableness that the wild thoughts of religious enthusiasts can be brought to a standard for judgment of their sanity. But there are limits even on so mystical a subject within which the human mind in a state of health is unreasonable or extravagant, and the common experience of life gives us a sense of those limits sufficient for the formation of judgment in most cases

[The judgment in this case is too lengthy for insertion, but as the digest of it is very full, it is sufficient for present purposes.—Ed. L. J.]

UNITED STATES REPORTS.

SUPREME COURT OF PENNSVLVANIA.

Sitchy v. Hugus.

Attorney and client—Statute of limitations.

The statute of limitations will not begin to run against the claim of an attorney at law until after the termination of *the relation of counsel and client, in the case in which* the services sued for were rendered.

It is a fraud upon counsel for a client to settle suit without his knowledge, to withhold his fees, and then set up the statute of limitations against him.

[Pitts. Leg. Jour., 3 N. S., 170.]

Error to Common Pleas of Somerset county.

Opinion by

Woodward, C. J.—The plaintiff in error has small reason to complain of the answers which the court gave to his points. It surely was not erroneous to say that the statute of limitations would not begin to run against a bill of attorneys fees until the dissolution of the relation betwixt him and his client. If the law were not so, every attorney, to assert the statute, would have to sue his clients once in six years, which would be destructive to the confidence which is essential to the relation. The point was ruled in *Foster* v. *Jack*, 4 W. 334, and is not open to further discussion.

Equally clear is it that the reversal of the first judgment in the Rowan suit did not terminate the professional relation, for there was a remittur with a *venire facias de novo*, which required the further attention of Mr. Hugus. And though it is always competent for parties to compromise their litigation, the learned judge said they could not do it "without the knowledge of their attorneys for the purpose of depriving them of their costs or fees."

The morality of the relation demanded this qualification, for as counsel owe good fidelity to clients, so the client is bound to make fair and reasonable compensation to his counsel, and it is a fraud upon the counsel for the client to settle the suit without his knowledge, to withhold his fees, and then set up the statute of limitations against him. Whether Hugus had notice of the settlement, and whether the relations terminated within six years before suit brought, were fairly submitted as questions of fact to the jury. If the court did not instruct the jury as to what would determine the relation, it is a sufficient answer they were not requested to instruct upon this point. They did, however, sufficiently instruct upon this point when they said that services rendered since the bringing of this suit, if not required by the plaintiff nor for his benefit would not restore the relation, nor avert the effect of the statute. The jury found under the rulings that the relation of counsel and client had not ceased six years before suit brought, and that was decisive against the operation of the statute.

Judgment affirmed.