

for deliberation and was not hampered by passers-by. There is no proof or presumption either way as to where the theft took place. How then has the plaintiff established that onus which is on him that it was the defendants' fault, and not his, which occasioned the loss? The proof given equally coincides with theft in either place. In the one place—that is, in No. 97—the plaintiff, for reasons above stated, cannot recover, for it was caused by his own fault; in the other—that is, in the corridor—he can, for that was occasioned by the defendants' fault. But in which was it? It was for the plaintiff to prove that the loss occurred at a time when the defendants were liable. He has failed to do so, and consequently I give judgment for the defendants.

From this judgment the plaintiff appealed.

[Concluded in next issue].

#### ENGLISH CAUSES CÉLÈBRES.

LYON v. HOME (1868, L.R. 6 Eq. 655).

This was perhaps the most amusing case of spiritualism and undue influence that has ever occupied the attention of the English Courts.

The plaintiff, Mrs. Jane Lyon, a wealthy and childless widow of more than seventy years of age, had no relations of her own, was not on intimate terms with those of her husband and lived by herself in lodgings in the West End of London, at a rent of about 30s. or 40s. a week. Her husband had died in 1859, and she was under the impression from something that he had said before his death, that she should not survive him more than seven years. In July, 1866, Mrs. Lyon called on a Mrs. Sims, a photographer in Westbourne Grove, and in the course of conversation mentioned what her husband had said, and expressed her conviction that she would soon meet him in the grave. Mrs. Sims replied that if the plaintiff would become a spiritualist her husband would 'come to her,' and it would not be necessary for her to go to him,' and she lent the plaintiff some books upon the subject. One of these was entitled 'Incidents of My Life.' It was written by the defendant, Daniel Dunglass Home, whom Mrs. Sims described as 'The

Head Spiritualist,' and who had recently opened an Athenæum in Sloane Street. Mrs. Lyon called at the Athenæum, and, according to her evidence, which materially differed, however, from that of the defendant, she was forthwith introduced through the agency of 'The Head Spiritualist' into the society of her deceased husband. The *modus operandi* was thus described by the plaintiff: 'They sat down at the table in the sitting-room, and raps came to the table almost immediately. The defendant said: "That is a call for the alphabet;" and then repeated the letters of the alphabet from time to time, a rap being given each time that he arrived at the letter intended to be indicated, and so on until a complete word or sentence was spelled out. In this way the supposed spirit on that occasion spelt out: "My own beloved Jane, I am Charles your well-beloved husband; I live to bless you, my own precious darling, I am with you always. I love, love, love you as I always did." On a second occasion the spirit of the deceased was more communicative. 'My own darling Jane' (the message ran), 'I love Daniel [meaning Home] as a son; he is to be our son; he is my son, therefore yours. Do you remember, before I passed, I said a change would take place in seven years? That change has taken place. I am happy, happy, happy.' Subsequent messages were even more explicit. 'Daniel' was to be adopted as a son, to be made independent, and to have stock worth 700*l.* a year transferred to him. The wishes of the deceased were implicitly obeyed—the widow and the defendant drove together in a cab to the city to execute the necessary transfers, constant raps being heard in and about the cab all the way, in testimony of the spirit's approval. In compliance with further directions from the land of spirits, the plaintiff made her will in the defendant's favour, gave him a present of 6,000*l.*, and settled upon him, subject to her life interest, a reversion of 30,000*l.*—these gifts being made without consideration and without power of revocation. In the spring of 1867 Home left town on business. Mrs. Lyon's spiritual necessities were too imperious to await his return, and she was put into communication with the dear departed by another medium.