

The Legal News.

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In a pamphlet recently published by Dr. Tuke, the author, who is admitted to be one of the foremost experts on the subject, gives an important definition of moral insanity. "Moral insanity," he says, "is a form of mental disorder, in which there is a loss of control over the lower propensities, or in which the moral sentiments *rather than* the intellectual powers are confused, weakened, or perverted.... From time to time cases occur in regard to which.... *the prominent characteristic and by far the most striking and important* factor of the mental condition is, not loss of memory, not delusion or hallucination, not any deficiency of talent or genius, not any lack of mental acuteness, and certainly no incoherence of ideas or language—none of these—but a deficiency or impairment of moral feeling or self-control, such being either the development of a character natural to the individual or a departure from it, which contrasts most strikingly with its former traits."

In a case of *Hargreaves v. Manders*, which came before the Westminster County Court on the 29th July, Judge Bayley drew the line at some of the supposed wants of youths of the time. The plaintiff sued the defendant for a quantity of cigarettes and cigars supplied to him. The defence of infancy was set up, and the defendant's father appeared and produced the certificate of his son's birth, showing that he was well inside of twenty when the goods were supplied.—Mr. Edlin, plaintiff's counsel, asked if it was not a fact that the defendant had a private income of his own.—The father of the defendant refused to answer the question, and His Honor held that he need not do so.—Mr. Edlin: I submit that it is a material question.—His Honor: If he was an infant you cannot do anything.—Mr. Edlin: I submit they were necessities.—His Honor: What, tobacco necessary for an infant?—Mr. Edlin:

Yes, there is nothing extravagant in the order; it is for cigarettes and 100 cigars. The only case in the books against me is thirty years old, and I submit that in these go-ahead days what were not necessities thirty years ago may be now for a young man in society.—His Honor: If you have any evidence to show that tobacco has ever been held to be necessary for an infant I shall be glad to hear it.—Mr. Edlin: I submit it is, if it is required medicinally, your honor.—His Honor: It is not suggested that these cigarettes and cigars were supplied medicinally. It is clear that the defendant was an infant when the goods were supplied. I cannot hold that tobacco is necessary for an infant, and there must, therefore, be a verdict for the defendant, with costs.

Notice is given in the *Official Gazette* that the new tariff of advocates was approved by His Honor the Lieutenant Governor in Council, on the 27th June, 1891, and has been in force since the 1st of September, 1891.

ENGLISH COURT OF APPEAL.

LONDON, Feb. 6, 1891.

MEDAWAR V. GRAND HOTEL COMPANY.*

Innkeeper—Liability to guests—Onus of proof.
The plaintiff, after having travelled all night, went to the defendants' hotel at an early hour in the morning, and asked for a bed room. He was told that he could not have a room, as the hotel was full, but that there was a room, engaged by people who would arrive during the day, which he might then utilize for the purpose of washing and dressing. He was shown up to this room, and his luggage (consisting of portmanteau, hat box and dressing bag) were taken up there. He washed and dressed in this room, opening his dressing bag for that purpose, and taking out of it and placing on the dressing table a dressing case. He then went down to the coffee room, had breakfast, paid for it, and went out, leaving his luggage in the room he had used, with the dressing bag open and the dressing case on the table. He did not return till late at night. In the mean-

*56 L. T. Rep. 851.