

in plain language, the history of the case from a medical point of view. The eminent Crown Counsel took me in hand and submitted me to a most extraordinary cross-examination. It became so protracted and so offensive that I had to appeal to the judge. The judge at once upheld my appeal and said that he entirely agreed with my evidence, that the man was insane when the act was committed, and if the jury thought so they might give their verdict without leaving the box. The jury gave their verdict without leaving the box, "not guilty" on account of insanity. The whole trend of this cross-examination was not so much to elicit the facts as to confuse the witness.

For all these reasons, both from the point of view of medicine and from the point of view of justice, it seems that the time has now arrived when a radical change should be made in medico-legal procedure.

It is true that British law and British justice is in a large measure founded on precedent, but, on looking over authorities on medical jurisprudence, one cannot but observe the great variety of opinion, the marked unrest and the grave doubt as to the wisdom or justice of the course now being pursued. This is not only evidenced in decisions respecting cases of testamentary capacity or incapacity, but is even more marked in cases of criminal responsibility.

In the High Court of Justice held in Glasgow in September 1902, a man was indicted on a charge of murder. The facts of the shooting were clearly stated. It was given in the evidence that a quarrel had arisen between the accused and the deceased, no word was said by the prisoner's counsel during the trial, either in cross-examining the witnesses or in the speech to the judge, or even hinted, that the prisoner was of unsound mind. Justice Young, however, in his speech to the jury suggested that the man must have been out of his mind when he committed the act, and after an absence of 25 minutes the jury rendered the verdict that the accused had committed the act of which he was accused, but that he was insane at the time. The Court then ordered the prisoner to be confined in an institution for the insane during His Majesty's pleasure.

In the High Court of Justice, held at Edinburgh, on September 15th, 1902, a man was tried before the Lord Chief Justice and a jury, for the murder of one of the Lecturers at Surgeon's Hall, and another man, by shooting them. The Counsel for the defence contended that the prisoner was insane at the time he committed the act. The Lord Chief Justice, in summing up the case, dealt with the alleged mental condition of the prisoner at the time he committed the act, and declared that the mere fact of a person suffering from a certain degree of mental alienation or mental delusion would not necessarily exempt him from criminal responsibility. In order to exempt from liability the prisoner's