

REVIEWS.

insanity on the thoughts and feelings, the appetites and impulses, may be thoroughly discerned by a hasty examination and the slightest acquaintance with the mental phenomena."

The writer then proceeds to give the following passage from the charge of a learned American judge (Edmonds), to the jury, in the case of *The People v. Kleim*, as illustrative of what he argues is the more enlightened doctrine of the present day:—

"To establish a defence on the ground of insanity, it must be clearly proved that at the time of committing the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong. If some controlling disease was in truth the acting power within him, which he could not resist, or if he had not sufficient use of his reason to control the passions which prompted the act complained of, he is not responsible. In order then to constitute a crime, a man must have memory and intelligence to know that the act he is about to commit is wrong; to remember and understand that if he commit the act he will be subject to punishment; and reason and will to enable him to compare and choose between the supposed advantage or gratification to be obtained by the criminal act, and the immunity from punishment which he will secure by abstaining from it. If, on the other hand, he has not intelligence and capacity enough to have a criminal intent and purpose, and if his moral or intellectual powers are so deficient that he has not sufficient will, conscience, or controlling mental disease, his intellectual power is for the time obliterated, he is not a responsible moral agent and is not a punishable for criminal acts."

We notice in the *Bench & Bar*, an article on the same subject, which will also repay perusal. The subject has an ephemeral interest, over and above that attaching to it from its intrinsic importance, from a divorce case in the English courts lately brought prominently before the public. Whilst, however, admitting that humanity requires that all care should be exercised for the protection of those suffering under the dispensations of Providence, the public must be guarded against the abuse to which the *humane* doctrine is open.

Of the specimen of petty spite in high places, exhibited by Lord Campbell in his *Lives of Lyndhurst and Brougham*, we have almost had enough. But, as a final shot at the author,

and as an interesting sketch of the salient points of character of the great men now dead, that Lord Campbell unsuccessfully attempted to malign in his own peculiar style, the article in this review is most interesting, and we hope on a future occasion to find room for it.

We have the usual Digest of English and American Cases, Book Notices, A List of Law Books published in England and America since October, 1869, and a summary of events.

We heartily commend this Review to our readers, and advise them to subscribe to it at once; the price is a mere nothing for the interesting and instructive matter always to be found in it.

THE ALBANY LAW JOURNAL: Weekly. Weed, Parsons & Co., Publishers, Albany, N. Y. \$5 00 per annum.

This is a new weekly Law Publication of much promise. It does not purport to be a collection of miscellaneous reports of cases, of which there are enough and to spare in the United States, but is more of a Magazine of matter interesting to the profession, culled from various sources, and containing leading articles on important topics. We have now received several numbers, and they evince good taste and much literary attainment.

A very interesting sketch of "Law and Lawyers in literature," by Mr. Irving Browne, runs through the numbers that have hitherto come to hand. With many of the incidents and extracts we are of course all more or less familiar, but many are new to the general reader, and may here be found collected and arranged in an accessible shape.

We notice also an address to law students by Hon. J. W. Edmonds, containing some excellent advice; the Administration of Justice, by the same author; on the Study of Forensic eloquence; Law of Arrest without Warrant, &c. We anticipate good success for this publication.

BENCH AND BAR. Chicago, January, 1870.

This number contains discussions as to whether the Law deals unfairly with Questions of Insanity; the Right of Arrest &c.

THE AMERICAN LAW REGISTER. Philadelphia. The leading article is as to how the Good-will is to be dealt with in Partnerships. The usual selections of cases.