

(1) His appreciation of the nature of a will and its effects,

(2) His appreciation of the property he has to dispose of,

(3) His appreciation of the property he was disposing of by will,

(4) His recollection of persons having claims by kin or otherwise upon his bounty, and his comprehension and appreciation of such claims,

(5) His mental condition, whether so disordered by insanity of any form as to affect his disposition toward such persons, or to change his normal view of right, or to prevent the exercise of his faculties.

(6) Are there any delusions?

(7) If so, are they of such a nature as to influence him in disposing of his property otherwise than he would, were the delusions absent?

In criminal cases, the question of the existence of insanity is also wholly unimportant. It is not the law that an insane man is not responsible before the law. To the physician, as physician, the insane man is sick and requires treatment just like the supposed burglar with his broken leg, but in a court the existence of the disease of insanity is just as unimportant as the existence of the broken leg.

If the proved insanity is not of such a kind as is recognized by the law as an excuse, it is as though he were not insane at all.

The Parliament has authoritatively laid down what kind and degree of insanity do excuse. If a man suffer from disease of the mind to such an extent as to render him incapable of appreciating the nature and quality of the act and of knowing that such an act was wrong, then the law says he is not to be convicted. No word of the law is to be disregarded. The accused to be acquitted must suffer from a disease of the mind not simply, but to the extent named—that is that he is rendered *incapable* of appreciating the nature of what he