ual insanity, and to take little or no account of that equally real, and still more terrible form of the disease to which the name of "moral insanity" has sometimes been given. There is undoubtedly much force in what is alleged by a well-known authority on mental disease, when he says that "no one who has had much to do practically with insanity has the least doubt that a person labouring under it is constrained sometimes by his disease to do what he knows to be wrong having perhaps gone through unspeakable agony in his efforts to withstand the morbid impulse before he yielded to it at the last." It is obviously, however, difficult, if not impossible, to give legal form by statute or otherwise to considerations of this kind, to which, moreover, the common sense and humanity of judges and juries, and the application of the principle that the accused person is entitled to the benefit of any reasonable doubt, will as a general thing be found to allow the weight to which they are fairly entitled.

GOODWIN GIBSON.

IMPUTED NEGLIGENCE.

The doctrine of Identification in Negligence was first laid down in 1849, in the well-known case of *Thorogood* v. *Bryan*, 8 C.B. 115. Although unfavourably commented upon, on different occasions, it was followed, in 1875, in the case of *Armstrong* v. *L. & Y. Railway Co.*, L.R. 10 Ex. 47, and finally over-ruled, in 1888, in the leading case of Mills v. Armstrong, L.R. 13 App. Cas. p. 1, better known as the "Bernina" case. Lord Watson, in his judgment, at page 18, says: "I am of opinion that there is no relation constituted between the driver of an omnibus and its ordinary passengers which can justify the inference that they are identified to any extent whatever with his negligence. He is the servant of the owner, not their servant: he does not look to them for orders, and they have no right to interfere with his conduct of the vehicle except, perhaps, the right of remonstrance.