

or twice, but unto seventy times seven. Of course, once they have been subjected to this labourious process, their hearts are yours unreservedly, and they will stand by you and your 'modern methods' to the bitter end."

Upon the second branch of the subject, Mr. Francis D. Gallatin, of the New York Bar, speaks thus:

"The only test of criminal responsibility recognized by law is whether the defendant knew the nature of the act of which he is accused, and if so, whether he knew it to be wrong. If he so knew, he is to be held responsible, abnormal as he may otherwise be.

"From this state of the law has arisen the idea that there are two kinds of incompetency, the legal and the medical: the one as applied by the courts, and the other as applied by the medical profession. The expression that 'an individual is medically although not legally, insane' is not infrequently heard. This is unfounded, for the law does not foster such absurdities. The confusion has arisen from a misconception.

"The law does not declare that all mentally unsound persons are criminally irresponsible and then proceed to inquire whether the defendant is mentally unsound; but it does declare that persons suffering from mental diseases attended by certain psychological phenomena are criminally irresponsible, and then enquires whether the defendant suffers from such disease and whether such phenomena are present.

"A divergence of view between the two professions as to what constitutes insanity is not indicated when the law declares responsible an individual whom the medical profession has pronounced insane. The question at issue is not whether the defendant is insane, but whether under the law he is responsible.

"To assist the Court in applying the test, the medical expert is called in. The question of the mental condition of the accused, in the abstract, does not concern him. The court will not hear him say in such proceedings, whether the accused is sane or insane, normal or defective, but whether his concepts and perceptions are such as the law declares shall render him irresponsible for his acts.

"The law in its attribution of criminal responsibility makes no distinction between the normal individual and the mental defective. Certain low-grade mental defectives, it is true, being ignorant of the nature of their acts or incapable of realizing their wrongfulness, are declared irresponsible by the courts and dealt with in a manner appropriate to their condition. These are the exception and not the rule.

"With the high-grade mental defective this, under the present law, is not possible. He knows the nature of his act and that it is