

duct, as where the vendor is to show clear title by such a date. Babington on Auctions, p. 34; 1 Parsons' Sel. Eq. Cases.

Receipt of rent by a landlord after breach of covenant creating a forfeiture does not operate a waiver, unless the landlord knew of the breach when he received the rent. *Keeler v. Davis*, 5 Duer's Rep. Did the landlord know or not is a proper question to be put to the jury. See notes to p. 70, Story on Agency, 7th ed. *Whyte v. Western Ass. Co.*

"PETIT MAL."

One of the most frequent pleas urged in favor of prisoners being tried for murder or manslaughter is that of insanity. The varieties of insanity are numerous, and one was disclosed at the assizes lately which, perhaps, has not been much noticed outside medical circles—that is, the complaint of *petit mal*. This, it appears, is really a short attack of epileptic insanity, and a person might have only one or two attacks in his lifetime, and no traces of this might be left on his system; further, a person might be having his dinner and suffer under such an attack without being aware of it. As to the effect of this complaint of *petit mal* as regards criminal actions, a man might in a moment of seizure do anything without knowing what he was doing, and it was quite possible for him to seize another person by the throat and cut it without being aware of what he was doing. It was impossible in one medical examination to say whether a man suffered from *petit mal*. These views were expressed during the trial of a man for the murder of his sweetheart. The counsel for the defence further referred to the malady. The medical evidence with regard to *petit mal* was that a man could attack those who were nearest to him, those he loved best—in fact, that the attack might be made under any kind of excitement—and the person committing it might know nothing of what he had done. He put it to them that the prisoner suffered from this complaint, and that being so, what greater excitement could be given to a young man than a refusal on the part of her he loved? In fact, in his letter to his father and mother, he said: "I should not have been

where I now am if it had not been for my nasty temper;" and, further, when the girl said, "Save me," he answered, "I will save you. Keep still where you are while I fetch help." The explanation of the reason why he told a lie as to an assault on them was also reasonable. He wrote: "I knew if I told the truth they would not let me look at her, and I wanted to see her face again." All this was fully indicative of the condition of mind similar to that under which a patient would be who suffered from *petit mal*. One of the medical men had said that if this disease showed itself it would most likely become apparent when the patient reached the age of puberty, and that was exactly the time at which the hereditary taint of insanity showed itself in the prisoner. The learned judge, in his summing up, pointed out that a certain care was needed not to weaken the criminal law by acquitting persons of criminal acts merely because they were of weak mind. If that were done half the criminal population in the country would be committing crime with a probability of going unpunished. It was not sufficient to prove a man to be of weak mind. Of course, with regard to a man like the prisoner, in whom there was no doubt of the hereditary taint, the consideration of the Crown, if necessary, would be properly exercised. The usual death sentence was passed. This case is one which those who are interested in medical jurisprudence might well make a note of.—*T. F. Uttley in London Law Journal.*

GENERAL NOTES.

George IV. asked Dr. Gregory what was the longest *sederunt* after dinner he had ever heard of on credible authority. The doctor answered, "The longest I know of was at the house of a learned Scottish judge, Lord Newton. A gentleman called at his house in York Place, Edinburgh, at a late hour, and was informed that his Lordship was at dinner. Next day the same gentleman called at an early hour, and being again informed that the judge was at dinner, expressed surprise that the dinner of that day should be so much earlier than the dinner of the day before. "It is the very same dinner," replied the servant; "his lordship has not yet risen from table."