

reasoning or proper association of ideas. Lord Coke says, "*Non compos mentis* is of four sorts: first, *idiota*, which from his nativity, by a perpetual infirmity, is *non compos mentis*: secondly, he that by sickness, grief, or other accident, wholly loses his memory and understanding, and sometimes not, *aliquando gaudet lucis intervallis*; and, therefore, he is called *non compos mentis*, so long as he hath not understanding."

Insanity, however, is here to be considered solely, as it annuls a man's dominion over property, and as it involves his contracts and other acts, which otherwise would be binding; and as it takes away his responsibility for crimes.

If, then, our beneficent laws protect persons who labour under mental derangement, as well as that of extending their indulgence for crimes which may be involuntarily committed by them, yet, the interest of society requires that the most exemplary punishments should be inflicted on those who so often feign this affliction for the purpose of exciting commiseration from a credulous people, or escaping punishment or other duties; indeed, without proper investigation it would be a cloak for crimes which could not fail of ultimately tending to subvert social order. No protection should be allowed to that kind of insanity in persons which may originate from ordinary perceptions of the mind, and who are forced to violent passions from no morbid affection, and more especially when it proceeds from real circumstances and malignant resentment—this should never excuse them in the committing of any offence in its matter capital; for, as Sir Mathew Hale observes, "doubtless most persons that are felons of themselves and others, are under a degree of partial insanity when they commit these offences"—He further says, that "*it is very difficult to define the invisible line that divides perfect and partial insanity*," but it must rest upon circumstances duly to be weighed and considered, both by the Judge and Jury, lest on the one side there be a kind of inhumanity towards the defects of human nature, or, on the other side, too great an indulgence given to great crimes.

A FOREIGN SOLDIER'S FAREWELL TO HIS ENGLISH MISTRESS.

Why bleeds a heart once haughty, wild,

To be from England's shores exiled?

Are home and friends the endearing band?

No, these are in a distant land.

Is't fear that on my heart lays hold?

I am not cast in coward mould—

I've braved the battle, man to man,

And borne my banner in the van.

Why do I shudder then and weep?

To mount yon bark and plough the deep?

Whose stormy waves I lightly mind,

Heart-wrecked in leaving thee behind.

Farewell! O met by fatal chance!

As eyes struck by the lightning's glance

See light no more: thus blind shall be

My soul to beauty, losing thee.