

astray, and asks and procures a wrong mental verdict. Thus in sanity reduces itself to *error of judgment* in violation of natural law or order. To break unjust human law may be a sane act, and although the converse may not be true, yet all proper and beneficial human law must be in harmony with the eternal fitness of things. Moral depravity may blunt conscience, or reiterated acts of wickedness may almost annihilate its operations, but, the more reason is used, the more acute and powerful it becomes. Its abuse is often the *occasion*, if not the cause of aberration of mind. Taylor says: "A lunatic may have the power of *distinguishing* right from wrong, but he has not the power of *choosing* right from wrong." An error lurks here, for whatever he *chooses* to do, is a volition, and of necessity *free*, because performed. The *choice* is a *free* act, or it could not be done. He is not sufficiently explicit in distinguishing between the natural bias of man to wickedness—his acquired tendency to vice—and his *intellectual* discrimination, (or *power* to distinguish.) I am well aware that jurists hold, in a modified form, some of the views I have enunciated, in regard to culpable crime, in certain insane acts. Dr. Carpenter's theory—*Impulsive Emotional Insanity*—is now generally accepted, and the plea criminally used. Sudden incentives to crime are held by such, to involve a certain want of moral wrong. The criminal may be able to distinguish between right and wrong. He knows his act is a violation of moral, as well as criminal law, and in the face of this light, he is impelled to diabolical deeds, it may be even without motives. The dominant idea is said to prevail *against* the will. Even Blackstone is led into such loose expressions as those, and speaks of no human action being criminal, in a legal sense, when there is evidence of *want* of will; and this volition is overruled by inward criminal desire, or outward alien force. It is of course, rank nonsense to say that any mental act can be done without the consent of the will. The fact that it is done, is evidence of consent. Physical agency must not be confounded with volition, for the hand of a comatose man may be used as an instrument to do murder, or sign a will, and he, as a living, thinking being, "have no lot nor part in the matter." When the passions, desires, or emotions, move the ego to perpetrate crime, it is done always with the *consent* of the will, else it never could be done by him. It is wrong, then, to exculpate on the plea that a man is "convinced against his will," to act, and therefore there should be a