

# Canada Law Journal.

VOL. XLVI.

TORONTO, JUNE 15.

No. 12.

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## CRIMINAL LAW.

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### THE ESSENTIALS OF CRIME.

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Apart from the mere act itself the following factors are needed. There must be:—

##### I. AN ACT OF THE WILL.

I. *Generally.*—The crime must be an act of a man's will; *will* is not a mere wish, but an emotion of mind always succeeded by motion. It is "the power of volition; *i.e.*, the offender must be able to 'help doing' what he does. Where it is absent, an immunity from criminal punishment will consequently arise." (Kenney's *Crim. Law*, p. 40.) "Volition is" (says Locke) "an act of the mind knowingly exerting that dominion it takes itself to have over any part of the man, by employing it in, or withholding it from, any particular action." "The *faculty or power of willing* must be recognized as something distinct from its *exercise.*"