

ordinary plea, which, he said, had "no status east of the Mississippi." Jury addresses, however interesting to the public and effective for their special purpose, have not in general much value from a purely legal standpoint, and we only refer to the matter in order to point out that the law of the State of New York, as laid down by the presiding judge in his careful charge to the jury, appears to be very much in line with our own, on this confessedly difficult subject. Judge Fitzgerald evidently looks upon "dementia Americana" very much as a Canadian judge would regard a plea of "dementia Canadensis" in a similar case. It may be noticed also that the theory of the medical experts for the defence, who speak of an insanity described as "brain storm" or irresistible impulse, inciting to, and excusing homicide, receives as little countenance from the New York judge as it would in a Canadian tribunal. In fact the legal principles laid down in the charge are practically identical with those formulated in the provisions of the Canadian Criminal Code, the 11th section (sub-s. 1) of which reads as follows: "No person shall be convicted of an offence by reason of an act done or omitted by him when labouring under natural imbecility, or disease of the mind, to such an extent as to render him incapable of appreciating the nature and quality of the act or omission, and of knowing that such act or omission was wrong." With this may be compared the following paragraph of the judge's charge: "The so-called irresistible impulse has no place in the law, and is not an excuse, nor is every person of disordered mind excused. As the burden of proof of insanity is on the defendant, he is also entitled to every reasonable doubt on the subject. If the defendant knew the nature or the quality of his act, or knew that the act was wrong, then he committed a crime."

The doctrines of the remaining sub-sections of s. 11 of the Canadian Code, asserting the legal presumption of sanity, and limiting the extent to which a specific delusion will excuse a man who is otherwise sane, were also referred to in the charge as being part and parcel of the American law.

As is well known, these provisions of the Canadian Code