

gress which the science of mental pathology is making in judicial favour. On the other hand, if the rider meant, as we suspect it did, what it said—viz. that the prisoner did not realize the nature of his act—Mr. Justice Kennedy was bound to reject it. A person who does not realise—i.e. know—the nature of his act is—when intellectual capacity is in question—not responsible for it, and, therefore, not guilty. If their view is the correct one, the two parts of the verdict were repugnant, and it was as inadmissible as the famous verdict where, after a six days' trial, the jury found for one party, and added that they did not think they had understood the evidence.

We notice, however, with some regret, Mr. Justice Kennedy's tendency to cling to the old narrow interpretation of the rules in *Macnaughton's Case*, and to decline from the more liberal construction introduced by Mr. Justice Stephen before his elevation to the Bench, and adopted by judges of such eminence as Sir Henry Hawkins, Lord Coleridge, and Lord Blackburn. To find a judge at this time of day 'charging' on the lines of 'the law laid down by the House of Lords in 1843,' without taking account of the modern glosses and psychological research, is somewhat surprising. It reminds one of the incident of the seven young men of Ephesus. If there is one thing about which no doubt exists it is that some persons are born into the world without any moral sense, who are, nevertheless, not intellectually insane. It may well enough be that such persons should, when they commit crimes, be put down, like the wild beasts that they resemble, without any reference to their state of mind. But this is not the attitude which the law of England assumes towards them. It says, 'You are not responsible if you do not know the nature and moral quality of your act.' But a person cannot be said to 'know the nature and quality of his act' unless he can place and keep before his mind all the elements, physical and moral, which go to make it up and pass a fairly dispassionate and reasonable judgment upon them. Unless the rules in *Macnaughton's Case* are explained to juries in this sense, they become as unjust as they are illogical and inaccurate. The only other observation that we desire to make is that *Coombes' Case* offers a fresh illustration of the mischievous influence wrought upon unstable mental equilibrium by cheap criminal literature. It is useless to expect the parents of boys like this, frequently from