tion of the adjoining property could not establish a nuisance, for, as the Vice-Chancellor truly observed, "in common parlance, nuisance is no doubt applied to a great many things wholly different from, and others not at all like, the definition which by law is given to the word." Cases of nuisances from offensive smells, and the exercise of noisome trades, have always been determined on similar considerations, and the question has always been whether the business or trade which causes the annoyance is carried on in a reasonable manner, and in a reasonable and proper place. There is a reported case tried before Lord Kenyon, Street *v.* Tugwell, Selw. N. P., 13th ed., 1070, which may seem to conflict with these remarks, but does not really do so. There an action was brought against the defendant for keeping dogs so near the plaintiff's dwelling house that he was disturbed in the enjoyment thereof. It appeared that the defendant kept six or seven pointers so near the plaintiff's dwelling-house that his family were disturbed during the night, and were very much disturbed in the day-time. No evidence was given by the defendant, notwithstanding which the jury found a verdict for him, and a new trial was afterward refused. It should be borne in miny, however, that the question of reasonableness is for the jury, and the court would doubtless have upheld the verdict had it been found the other way.

Now, applying the legal test to the case heard at the Westminster County Court, did the defendant, under the circumstances, exercise a reasonable user of his chambers in erecting an organ of the dimensions we have mentioned? There can, we think, be no doubt how this inquiry should be answered; indeed, the learned County Court Judge has found as a fact that the act complained of is an intolerable nuisance, though he has, notwithstanding this, held such an act not to be an actionable one.

RECENT CRIMINAL DECISIONS.

Insanity as a defence.—Evidence as to sleeplessness and nervous restlessness is admissible to prove insanity. Insanity is a complete answer to a criminal charge. To justify the inference of insanity from calmness of manner and indifference to consequences accompanying the killing, there should be convincing evidence of previous insanity, or insane delusion, so recent as, coupled with the causelessness of the killing, to raise the presumption that the paroxysm had not entirely passed away. Moral insanity, consisting of irresistible impulse coexisting with mental sanity, is no defence to a criminal charge. Insanity is a defence which must be proved to the satisfaction of the jury, by the measure of proof required in civil cases; and a reasonable doubt of sanity raised by all the evidence does not authorize an acquittal.—*Brasswell* v. *The State*, Supreme Court, Alabama, January, 1881.

Libel.—It is no defence to an indictment against the editor of a newspaper, that the libellous article was written and inserted by the local editor without the knowledge of defendant, and in violation of a general order forbidding the publication of any article of a libellous nature without first submitting it to the publisher for approval.—*The Commonwealth* v. *Willard*, Supreme Court, Pennsylvania. The Court said: "Aside from the incalculable damage that may and often does result to the innocent from a misuse of the press in the hands of reckless or malicious persons, and the consequent caution proper to be exacted from those managing newspapers as to the selection of the subordinates in whose hands they intrust this dangerous power, there is the peculiarity incident to the profession of a publisher that the publication of a journal, or a magazine, or a book, is not the visible, manual act of the publisher himself, but is made up of the labors of many different persons, in no one portion of which he may have an actual part. He may not be present at or witness any single one of the various processes of work by which the completed book or newspaper is finally produced; he may not even see it when done, and yet the publication is his act. This is in part, no doubt, the reason why the law of libel forms an apparent exception to the usual rule, that one can only be liable criminally for his own individual acts. That such is the law, whatever may be the reason for it, there would seem to be no question. It was established by a long line of cases in England, decided by such judges as Hale, Mansfield, Raymond, Kenyon, Powell, Foster, Ellenborough and Tenterden, and which will be found fully stated in a note in Starkie on Slander, 1st Am. Ed., vol. 2, p p. 30-34.