

EDITORIAL NOTES.

consider them small, are well worth the attention of the powers that be. In the first place we would suggest that some official about the building should receive instructions to throw open all the windows in the library, law courts and passages in the building, every evening. The atmosphere would then be fresh and sweet by morning, and would scarcely have time to become so positively foul as it often does become at an early period in the day. In the second place, it is surely time that the Library Committee, or whoever the proper authorities are, should cease to labour under the suspicion of conspiring deliberately to destroy the eyesight of those members of the profession who have occasion to read or write in the library after 3.30 p.m., at this time of year. A long tube with a circle of gas jets coming down from the ceiling over the centre of each table—or a moderator lamp placed on each table, as soon as it commences to get dark, would remove what at present is a really serious grievance.

WE have received a fresh batch of our far-away contemporary, the *Australian Law Times*. From it we learn, amongst other things, that a bill has been introduced by a member of the Legislature at Melbourne, having in view the amalgamation of the two branches of the legal profession. Conveyancing in that happy country appears to be, as it ought to be, entirely in the hands of the legal profession. An application was made to Mr. Justice Higinbotham in Chambers, on behalf of the Law Institute of Victoria, for an attachment against two persons composing a firm of Land and Estate Agents for contempt of Court in preparing a deed relating to land, "they not being barristers, attorneys, solicitors or conveyancers." The defence was that although the agents had prepared the deed, they had subsequently paid a solicitor for revising it. His Lordship, however, declined to accept the excuse, and

issued the attachment, which, however, was subsequently rescinded, the full Court not considering the evidence sufficient. The judges, at the same time, expressed their opinion that the circumstances were suspicious, and urged the impropriety of allowing any tampering with the safeguards provided for the public by the Conveyancing Act.

Will such a legal millennium ever arrive in this part of that Empire on which the sun never sets? Our circumstances are almost identical, but here, after, as it were, buying a profession, the law allows us to be robbed of our purchase by every impudent quack that has mastered the three great R's.

As to the nature of a defence in criminal cases, on the ground of insanity, since the murder of Mr. Garfield, volumes have been written. A recent article in the *International Review* has some sensible observations on the subject. We make an extract:—

"An individual may be medically insane and yet not a lunatic in a legal sense. His brain is diseased, either temporarily or permanently; his mind is not in all respects normal in its action, and yet he is responsible for his acts.

While a knowledge of right and wrong can never be properly regarded as a test of insanity, it is a test of responsibility; and by knowledge of right and wrong is not meant the moral knowledge that a particular act would be intrinsically right or wrong—in other words, a sin—but that it would be contrary to law. In reality, however, the individual may not even have this knowledge; but he must have, in order to make him responsible, the mental capacity to have it. For ignorance is no excuse, and the safety of society imperatively requires that all should take means to make themselves acquainted with the laws of the land in which they live. Now, any individual having the mental capacity to know that an act which he contemplates is contrary to law, should be deemed legally responsible, and should suffer punishment. He possesses what Bain calls 'punishability.' If he does not possess this