

man had a soul at all, and, if so, whether it was worth saving or trying to save. Now, none of these viewpoints is higher than either of the others, but all are radically different.

It is from not bearing in mind the different aspects from which the same facts are to be and are considered, that there is so much disputing about the insane; so much time wasted in the courts over expert testimony, and so much contempt expressed by the lawyer for the medical expert on insanity, only equalled by the contempt of many a medical expert for the rules of law in that respect.

If it should happen that a judge were called in by a medical man to assist in the treatment of an insane man, he would necessarily follow out the methods of medical treatment. And so, where a medical man is called upon to assist in the administration of the law, he must adapt himself for that occasion to the principles of the law. Neither judge nor lawyer need, while assisting in the province of the other, abandon the views he holds in his own province—nor does he. To the medical man, the insane person is a sick man to be treated for his disease, and it is a matter of indifference whether he is a criminal or not; to the judge, it is a matter of indifference whether a prisoner or a litigant be insane or not, the question is, is he capable of making a contract? is he responsible for his acts?

One more thing before attacking our main theme—the judge does not make the law; that is either a matter of tradition or of legislation, in either case of binding authority. He cannot change or avoid the law—for which he is no more responsible than the doctor is for the insanity of a patient or for the laws of nature governing insanity. And this law is binding upon all citizens, and all good citizens should obey the law in this as in all else. If the law does not suit the doctor or any other person, he may do his best to have it changed by Parliament; but it is the bounden duty of every one to obey the law so long as it is law.