the philosophers of all ages, is still to be disposed of by a British jury.

On the other hand, the act induced by a diseased and irresistible impulse, but accompanied by knowledge of the act and of its criminality, remains without excuse, except so far as it may be contemplated in the last provision. Here, however, we find new difficulties. Under its wording, a person who was so resolved to commit a crime that the fear of punishment had no effect upon him would seem void of offence. None but the brave deserve acquittal. This provision is, indeed, modified by the statement that it shall not apply to one in whom such a state of mind has been produced by his own default. Courts may elucidate the meaning of this provision, but it would perplex anything less than judicial wisdom. Recklessness produced by drink might be said to be produced by one's own default. But a frame of mind which was insensible or indifferent to the danger could not be said to be produced by default, or produced at all, except by nature. The man who combines to the willingness to commit a crime, the fear to meet its results, whose villainy is tempered by cowardice, is the only one who can have no hope of escape under this elastic provision of the code.

Nor is the code much happier in dealing with drunkenness. Voluntary drunkenness, it is enacted, is not a disease affecting the mind, under the above provisions, but involuntary drunkenness is. What is voluntary drunkenness, and where is the line between that and involuntary drunkenness, is a question that had best be left to the casuists. All would rather drink than be drunk; and so all drunkenness is involuntary. A man may be led to the bar, but he cannot be made to drink, unless he wishes; and so all drunkenness is voluntary.

One relic of the absurdities of the common law is swept away. The presumption that a married woman committing a crime in presence of her husband does it under compulsion from him is abolished. One by one the remains of that most irrational of all systems of jurisprudence pass away. The time will soon come when lawyers will have little more to do with the common law than to sing its praises. As we leave it behind, we approach constantly nearer an effective administration of a rational system of law.

The effect of ignorance of fact has lately been discussed in England. A statute made the abduction of a girl under sixteen an offence. One Prince abducted a girl under sixteen; but he in good faith believed her eighteen. It was, however, held that he could be punished, because, the act being in itself immoral, the person committing it took the chances of the facts being such as should make it criminal. The code follows this rule, but provides "an alleged offender shall, *in general*, be in the same position as if the facts were as he in good faith supposed them, except where the act is itself immoral; and then mistake as to the facts making the act a crime shall not excuse." The use of the term "in general," which several times defaces this proposed statute, is a piece of slovenliness of which there is otherwise but little cause to complain.

A judicious section provides that if the court deems the act complained of to be of too little importance to be treated as an offence, it shall have the power to disregard it. This authority has been exercised by English judges; but giving the practice legislative foundation is a judicious step, and might be of much value in putting a summary end to trifling and vexatious prosecutions.

The code next treats of the parties to an offence, and here, by a few simple rules, does away with one of the myriad opportunities for the escape of criminals afforded by the present artificial system of criminal law. The distinction between principals in the first and second degree, and accessories before the fact, is done away with. All are parties who do or order the criminal act, or aid or incite the offender in or to its commission. With equal simplicity, it is provided that a conspiracy is committed where any overt act is done, or where the unlawful agreement is made; an offence causing bodily injury to the person is committed where the act was done or where the injured person received the harm, or, in murder, where the death took place. The wrongful taking of property or receiving stolen goods is committed as long as, and at every place where, the offender has the property so unlawfully obtained in his possession or under his control. Without taking away any privilege to which an alleged criminal is entitled to secure a fair trial, these provisions sweep away