

by law, their descendants cease to be when lunatic ! Being still retained, and likely to be employed, it is worth remembering that it establishes a division of insanity into legal and illegal, or that recognized by law, and that not recognized by law, an insanity which exempts a man from punishment for crime, and another which holds him responsible for his actions. In the first category would be comprised those forms of the disease marked by an aberrant or defective intelligence, and corresponding to the popular estimate of madness or weakness of mind ; in the latter, those varieties of unsound mind, denoted by uncontrollable volition or morbid conscience without any obvious or corresponding disorder of reason, and only appreciable by psychologists. We can indeed conceive one case in which this test would detect the moral lunatic, and that is when he is analogously circumstanced to one who, though not mad, has never learned the difference between right and wrong from thorough brutalization, vicious association, and want of education ; but would these considerations save him ? We have no reason for supposing they would ; they are not entertained in either case : and why should the exemption be extended to the one which is withheld from the other ?

Setting aside the legal right, the ethical propriety of punishing lunatics for their offences is entitled to examination. The persons whom we have just been noticing are susceptible of improvement. Punishment, therefore, which has for its object their own reformation, is desirable, while that which is of a vindictive character should be eschewed, the more particularly as it has been found not to be followed by an equal diminution of crime. In such cases the right of society to execute a bloody revenge, may be fairly questioned in view of the little trouble she has taken to instill into the minds of her delinquents correct notions of right and wrong. Had she protected and managed them from youth upward, assuredly she would be more justified in her extreme interference ; but then, in all probability, it would never have been called for. The punishment of lunatics can never be profitable as an example to other lunatics ; for none will or can believe themselves in the condition of the culprit, while all are unable or are not likely to concern themselves in the matter. The only reason for its institution, then, should be the improvement and restoration to sanity of those, as moral lunatics, who are improveable and restorable, by such means ; and to this end it ought to be confined to what would most conduce to individual amelioration. We believe, therefore, the law justly holds such persons punishable, but must object to the present system which would remove the convict to the penitentiary with the perfectly sane, inasmuch as here there would not be an adaptation of punishment to individual requirements, and its principal purpose entirely neglected. The silent plan