

than from civil, liability. A man must, in respect of criminal as well as remedial consequences, be presumed to contemplate and intend the natural consequences of his own act. If, therefore, the act be calculated to produce evil consequences, he must be taken to have intended them.

2. When a question for the jury in civil cases.

In civil proceedings the question of intention should not be submitted to the jury, unless it appear that the publication was made on a justifiable occasion. And where it was left to the jury to say whether the defendant intended to inform the plaintiff, it was held that the direction was wrong, for the reason that if the tendency of the publication was injurious to the plaintiff, the defendant must be taken to have intended the consequences of his own act: *Haire v. Wilson* (1829) 9 B. & C. 643.

3. The maxim that every one intends the natural consequences of his act  
—*Mens rea*.

This common maxim, that a man must be held to intend the natural consequences of his act, sometimes stated as if it were a positive rule of law, is not really a rule of law further or otherwise than as it is a rule of common sense. The only possible way of discovering a man's intention is by looking at what he actually did, and by considering what must have appeared to him at the time the natural consequences of his conduct: 2 Steph. Hist. C.L. 111.

The wilful doing of any prohibited act, tending to public injury, is, in the absence of any lawful excuse, in itself criminal, legal malice being in all such cases a mere formal inference of law. It seems also to be clear in principle, that mere innocence of intention, so long as the act is voluntary and designed, in the absence of circumstances which amount to a legal excuse, cannot exempt the party even from criminal liability. As *mens rea*, or a guilty mind, is, with few exceptions, an essential element in constituting a breach of the criminal law, a statute, however comprehensive and unqualified it be in its language,