

the circumstances are misapprehended, are still punished. Ought they then to be punished when committed by the insane? This is a matter for separate decision in each particular case. It seems to me arguable whether a lunatic who commits a murder, presuming on the fact that he is a lunatic, and therefore will not be punished, ought not to be hanged.

Lastly, crime may arise out of insanity when the natural consequences of the act are, by reason of insanity, unforeseen or misapprehended. Such defective appreciation of consequences is no excuse for the sane, for every sane person is presumed in law to intend, and therefore to foresee, the natural consequence of his acts. But this presumption may be rebutted in the case of the insane. The idiot who cut off a sleeping man's head, to enjoy his surprise when he should wake, clearly did not apprehend the natural consequences of his act; and persons who are deficient in mind, are deficient also in foresight, which is one of the chief uses of mind. They would light a fire beside a corn-rick, without foreseeing the natural consequence, that the rick would catch fire. They would