

the latter, and who, owing to the skill and boldness with which he was defended by Sir A. Cockburn, was acquitted on the ground of homicidal mania, or partial insanity. The jury were told by Chief Justice Tindal (and his two associate judges) that they must be satisfied that at the time the act was committed, the prisoner "knew that it was a wicked and wrong thing that he had done, or that he was not sensible at the time he committed the act that it was contrary to the laws of God and man."

The acquittal of MacNaughten aroused great public alarm and excitement. The *Times* inserted some lines by the poet Campbell, in which the writer, amongst other things, said that the people of England were "at the will of the merciless man," and

"The Insane—

They're a privileged class, whom no statute controls,
And their murderous charter exists in their souls ;

Do they wish to spill blood ?

They have only to play a few pranks ;

* * *

For crime is no crime when the mind is unsound."

At the head of those who vigorously urged that the insane ought to be subject to punishment if they broke the law was "an Archbishop, who published a pamphlet, in which he argued that you whip a dog if he steals, though others are not deterred by his punishment, and sought literally to treat insane men in the same way as dogs in this respect": Pitt-Lewis, pp. 18, 209.

The matter was brought before the House of Lords where considerable discussion took place, and the Law Lords who took part in it differed in their opinions about the result of the case. In consequence of this the House of Lords "summoned all the judges and put to them an elaborate series of questions as to the criminal responsibility of a person who is alleged to have been insane when a criminal act with which he is charged was committed," and as a result the following canon was laid down that no act is a crime if the party committing it is at the time of its commission labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or that if he did know it, he did not know that he was doing what was wrong: Pitt-Lewis, pp. 200, 211. Mr. Justice Byles tersely put the rule in this way: "Did he know what he was doing, and, if he did, did he know that he was doing wrong?"