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and the new day is fronted with hope and courage.

The amorphous village becomes a distinct and healthy entity; the town takes on vital aspects; the city becomes lordly and arrogant.

The west to-day is a land of homes. One could mention places where the softer touch of the woman is needed to give the home its full spiritual value and meaning; but the bird of passage is no more seen. The prairie invites at once by its material promise and its spiritual possibility.

While new ideals of life have been set up, these conform in the main to what is hopeful and decent and spiritually aspiring.

Material comforts were necessary, first of all; but, supervening on these, we see the spiritual efflorescence which makes for worthy character.

And the west is never cast down; it is too well assured of its potential wealth, its vast domain, incalculable for riches and possibility. It looks forward, for it is young and strong, and youth lives in the future. At the moment it is engaged in carefully studying crop conditions; but it knows that in the immediate future it will enjoy a plenitude of wealth, while it will more and more find a high and noble expression, with respect to things of the spirit. And the west, while it is pre-occupied with the duties at hand, has time to thrill to the call of empire—a call to which it has not been indifferent—knowing that to realize every gracious possibility of the individual and national life in this great Commonwealth, the British flag must float over it in undisputed sovereignty.

Insanity as an Excuse for Crime

Written for The Western Home Monthly
by M. L. Hayward, B.C.L.

How far is total or partial insanity an excuse for crime? This question is one of increasing importance in criminal jurisprudence, and a comparison of the United States and Canadian rules is instructive.

The English doctrine as laid down by the House of Lords in MacNaughten's case in 1845, is that, notwithstanding an insane delusion a prisoner is liable, "if he knows at the time of committing the crime that he was acting contrary to law," thus making the prisoner's knowledge of "right and wrong" the sole test.

The State Courts of the United States, on the other hand, have adopted a variety of conflicting views, which have been classified by Oppenheimer into three groups, as follows:—

1. Those States which follow the "right and wrong" test of MacNaughten's case as the sole criterion, including Idaho, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, Oklahoma, Oregon, Tennessee, Virginia, Wisconsin, and the District of Columbia, and also the United States Federal Courts.

2. The second group recognizes the effect of mental disease upon the emotions and the will, and holds that "irresistible impulse" is an excuse. This rule, which gives rise to the popular "brain storm" defence, was first laid down in the Puritan State of Massachusetts, and is followed in Pennsylvania, Connecticut, Iowa, Kentucky, Montana and Ohio.

3. The third group follows the rule laid down in New Hampshire, which holds that the whole matter is a question of fact to be decided by the jury, which is to acquit the prisoner if the act charged was the offspring of mental disease. This rule has been adopted in Illinois, Indiana, Kansas, Michigan, and, apparently, in Alabama.

The Canadian Courts followed the clear and definite English rule in Reil's case, and the Criminal Code of Canada now provides that insanity is not a defence unless it renders the prisoner "incapable of appreciating the nature and quality of the act or omission and of knowing that such act or omission was wrong." Section 10.

In a recent Toronto case (The King vs. Jessamine) the prisoner pleaded insanity on an indictment for murder, and the medical evidence showed that he was

incurably insane; that he understood the nature and quality of the act and that it was wrong in the sense that it was forbidden by law; but that he had lost the power of inhibition, and could not resist the impulse to kill the deceased.

Judge Riddell charged the jury that "it is not the law that an insane man may kill another and escape punishment simply because he is insane. There have been hundreds of insane persons who have killed others and who have been executed, both in England, where we take our law, and in Canada in which we live. Life would not be safe under such circumstances. There is one in every three hundred persons in most countries who are insane in one way or another, and it would never do if the law were such that one man out of every three hundred—that is, in Toronto, something over a thousand people—could go out and slay at will without being brought to task and punished by the strong arm of the law. A man is not to be acquitted on the ground of insanity unless his mind is so affected by that insanity that he is incapable of appreciating the nature and quality of his act, and if knowing that it was wrong. It is not the law here, as it is said to be in some countries, that if an insane person who is capable of appreciating the nature and quality of the act and knowing that it is forbidden by law, yet has what is called an impulse to do the act, which impulse he cannot resist, he is to be acquitted on the ground of insanity. I charge you as a matter of law that it is not enough for the prisoner to have proved for him that he has lost the power of inhibition—the power of preventing himself from doing what he knew was wrong. It is your duty to find a verdict of guilty if you find that the prisoner killed the deceased, and at the same time it has not been proved to your satisfaction that the condition described by the physicians was not his actual condition. In other words if he killed the man, and it has not been proved that his condition was not as the doctors say it was, he is guilty of murder, and it is our duty to find so."

The correctness of this charge was upheld by the Ontario Court of Appeals, and illustrates very forcibly the clear-cut principles of the Canadian law as compared with the unsettled and conflicting views adopted in the United States.

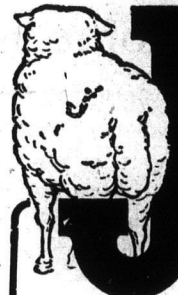
Memorising the Bible

The fact that a resident in the United States has committed the Bible to memory has brought to light a number of like instances. It is stated by a correspondent of the *Daily News* that the Rev. Henry Rees, D.D., and his brother, the Rev. William Rees, two prominent ministers in Wales during the middle of the last century were able to accomplish a similar feat. H. R. failed to memorise the names in the Chronicles completely; but W. R. could do so, without a single error.

But the most detailed and remarkable case is described by Mr. William Soltan, deputation secretary of the Mission Populaire, Evangelique de France. He says, "A man named Julius Tostee died in the Asile Evangelique, at La Rochelle, in February, 1903, who knew the whole Bible by heart, and could recite any verse, if asked, from any part of the Book, and could go on reciting chapter after chapter. He could tell the text from which any pastor had preached in the church at La Rochelle, with the date of the sermon. He knew the names of all the pastors in France since the Reformation, with the dates of their ministries. He knew by heart all the references in the Reference Bible, and could bring together passages on any subject desired. He knew by heart all the psalms and hymns of all the various editions of the hymn books published in France, and knew the number of each hymn in each collection. He had also an exact knowledge of all the tracts published in French by the Religious Tract Society since the beginning."

Bride: "Here is a telegram from papa!"
Bridegroom: (eagerly): "What does he say?"

Bride (reading): "Do not come home, and all will be forgiven."



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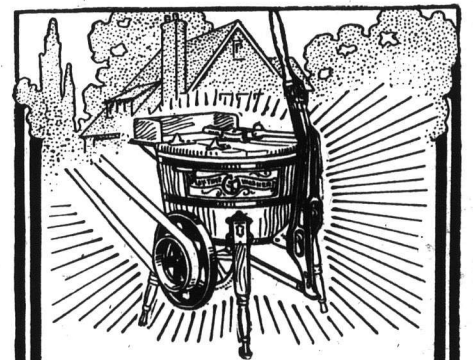
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