

observe that the broad minds of the great jurists and legislators are groping towards the light. Let us take the question under discussion, for example.

During last century, the definition laid down by Lord Coke was accepted as law. In this it was held that to be insane meant to be totally devoid of memory and understanding when an insane act was committed. If this negative condition did not exist, such were responsible. It need scarcely be said to-day that no insanity ever existed to which this definition would apply.

In the beginning of this century it was held that insanity should be tested on the basis of the possession of delusions. Of course the absence of them would imply sanity, yet we know many insane have no delusions. This phase of legal thought was followed by the crucial test that any person who has the capacity "to know the *nature* and *quality* of the act he was doing" must be sane, and responsible. Many insane are quite capable of knowing as described. This moral test is absurd in itself. What right and wrong are in the abstract have not been determined. Law is one thing and ethics may be quite another. As one item of the curiosity of law penalty it may be noticed that at the beginning of this century more than 200 offences, from robbing hen-roosts to treason and murder, were punishable by death in the British Isles. In 1816, no less than 58 persons were under sentence of death for such offences, and one was a child under ten years of age, who could neither read nor write. As the years rolled by, it became evident that punishment and crime were unequally associated, and law began to adopt a sliding scale in the administration of justice more in keeping with the quality of the crime. Any one who will take the trouble to wade through the evidence on which the verdicts of those days were based, will see it fared badly with the poor lunatics. The court suspended the insane, in many instances, instead of the judgment. The putting the life of the assumed insane in one scale and then placing these ever-changing conditions of law in the other, have been, is now, and apparently will be the means of putting many innocents to death. Definitions are mischievous