

goods, he must know that he is taking them; if he is assaulting another, he must know that he is committing an assault; and so forth. Of the quality of the act,—that it is, in the first case, theft; and in the second, murder; he may be wholly ignorant. He may take the thing, believing that it belongs to him; he may kill the man, believing him to be on the point of forestalling the intention. These are instances of the second defect in knowledge,—misapprehension of the circumstances in which the act is done. This misapprehension is a very frequent contributory to crime. It leads to what appear to be thefts, from mistake in ownership. It leads to breach of all kinds of legislation, from ignorance of its existence, or of its provisions. It leads to crimes of vindictiveness, from mistakes as to the acts of others, or as to the motives of those acts. Offences are not infrequently committed by retaliation on the wrong person for injuries suffered, or in retaliation on an intention to injure, which did not in fact exist. It is to be observed that such mistakes are not necessarily due to insanity. They may be made by the sane; and vindictive offences committed by the sane, even where