illegality of the act for whose commission he was being tried. (3) Again, the *contractual* capacity of the insane was ascertained by quite different *criteria*, derived first from the civil law, then from feudal policy, and lastly from equity jurisprudence. It is obvious that beneath these conflicting doctrines there lay one and the same fallacy—the assumption that general standards, external to individual characteristics and peculiarities, could with propriety be applied to the shifting and then imperfectly apprehended phenomena of mental disease. *Banks* v. *Goodfellow* gave this fallacy its deathblow. This was an action of ejectment, the result of which depended on the validity of the will of one John Banks, and the material facts were as follows: Banks had been confined in a lunatic asylum as far back as 1841. Discharged after a time from the asylum he remained subject to certain fixed delusions; he had conceived a violent aversion towards a man named Fetherstone Alexander, and, notwithstanding the death of the latter, he believed that this man still pursued and molested him; the mere mention of Alexander's name was sufficient to throw him into a state of violent excitement. Banks also frequently believed that he was pursued by devils, whom he thought to be visibly present. These delusions were shown to have existed between 1841 and the date of the will (1862), and also between that date and the testator's death in 1865. It was admitted that at certain times the testator was incapable of making a valid will. But he was proved to have been rational at the time of giving instructions for, and at the time of signing, the testament in issue, and the manner in which he disposed of his property—viz. bequeathing it to a favourite niece—evinced no traces of insanity. It was strongly urged, however, that, 'though the delusions under which the testator laboured might not have been present to his mind at the time of making the will, yet, if they were extant in his mind so that, if the subject had been touched upon, the delusions would have recurred, he was of unsound mind, and therefore incapable of making a will.' But the Court of Queen's Bench, in a masterly judgment delivered, and obviously prepared, by Chief Justice Cockburn, repelled this contention, and held that, as the testator's delusions were quite foreign to the subject-matter of the will, and neither had nor could have had any influence upon its provisions, they were not fatal to his testamentary capacity. 'It is essential,' . . . said the Chief Justice, , . . 'that a testator shall understand the nature of the act and its effects; shall understand the extent of the property of which he is disposing; shall be able to comprehend and appreciate the claims to which he ought to give effect; and, with a view to the latter object, that no disorder of the mind shall poison his affections, pervert his sense of right, or prevent the exercise of his natural faculties, that no insane delusion shall influence his will in disposing of his property, and bring about a disposal of it which, if the mind had been sound, would not have been made.' The decision revolutionized the substantive law of lunacy. Of course it settled once and for all the criterion of testamentary capacity in mental disease. (Cf. *Boughton* v. *Knight*, 1873, 42 Law J. Rep. P. & M. 41; L. R. 3 P. & D. 64). But it did, and is doing, much more than this. It has come to govern, by way of analogy, the law as to the capacity of the insane to marry (*Durham* v. *Durham*, 1885, L. R. 10 P. Div. 80, overruling *Hancock* v. *Peaty*, 1867, 36 Law J. Rep. P. & M. 57; L. R. 1 P. & D. 335, which corresponds to *Waring* v. *Waring* in this branch of the law); it has made its influence felt in the law of contract, so that we find a man held competent to grant a lease of a farm which he insanely believed to be impregnated with sulphur, and wished to get rid of on that ground, because the delusion sharpened his faculties (*Jenkins* v. *Morris*, 1880, 49 Law J. Rep. Chanc. 392; L. R. 14 Chanc. Div. 674). It is telling upon 'the rules in *Macnaghten's Case*' themselves. Finally, it directed the attention of the legal world, to the facts that capacity and responsibility cannot be determined rightly by the application of rigid general rules, and that the only true test of soundness of mind for legal purposes consists in analysing the *act* and at the same time steadfastly regarding the mental and moral constitution of the *actor*.—*Law Journal* (*London*).