effect. English institutions are prone to be lasting from a law down to a wheelbarrow. They are a pig-headed people over there in many respects; and somehow, in this matter, they have failed to be moved; even when right and reason, and eloquence and learning and earnestness were all enlisted to remove a wrong. We are tempted almost to say, that the British representatives have posed successfully as lunatics by their own test. "They do not know right from wrong." Stephens has produced an argument in favour of amending the present test, which for force of reasoning and clearness of diction has few equals. Here is his definition of the disease. Sanity exists when the brain and the nervous system are in such a condition that the mental functions of *feeling* and *knowing*, *emotion* and *willing*, can be performed in their regular and usual manner. Insanity means a state in which one or more of the above named mental functions is performed in an abnormal manner, or not performed at all,—by reason of some disease of the brain or nervous system (*History Criminal Law, Eng. Vol. 3 p. 130*)." Again "criminal responsibility signifies "nothing more than liability to punishment for "crime, and a criminal act implies the existence of "*intention*, *will* and *malice*." You will notice that he holds for the possession of will in addition to knowledge, in order to make a lunatic responsible. "It is as true," says he, "that a man who cannot control himself does not know the nature of his acts, as that a man who does not know the nature of his acts, is incapable of self control," (p. 171). This man ought to have been a doctor rather than a lawyer. In 1874 Stephens compiled a bill entitled "A Bill to amend the law of Homicide" in which it was provided that homicide should not be deemed criminal if the accused person is at the time of committing the act prevented by any disease affeeting his mind, (a), from knowing the nature of the act; (b), from knowing that it is forbidden by law; (c), from knowing that it is morally wrong; (d), from controlling his own conduct. The fourth test is in reality the amendment to any previous legislation, or authoritative findings on the subject. This Bill was not passed; and consequently we stand as we were. While admiring the liberality of Sir James, especially for a legal mind, we must confess that even his tests are inadequate to estimate such a subtle disease as insanity.

To attempt a summing up so far, our position at present simply is,—"Most jurists aver that no "degree of insanity should exempt from punishment "from crime, unless it has reached that point that "the individual is *utterly unconscious* of the differ- "ence between right and wrong at the time of "committing the alleged crime." On the other hand, physicians who have given this matter a careful study, affirm that this test would only apply to persons suffering from delirium; from a furious paroxysm of mania, or from confirmed idiocy; that persons suffering from confirmed insanity are fully conscious of the difference between right and wrong; and are quite able to appreciate the illegality, as well as the consequences of their acts. Some jurists hold that the law means *the consciousness of a sound mind* when it proposes this as a test, and that "the consciousness of the insane, is an insane consciousness." But this is simply begging the question. It may be true that in practice the English law differs from the same law in theory; and that practically it cannot be said to err on the side of severity. The fact remains, however, that it operates with uncertainty; and that, if possible, is a graver charge.

With regard to Canada, at least, the remedy lies in our own hands. There is no reason why we should supinely wait for the mother country to take the initiative in this matter of reform. It were well once in a while to shew that our boasted independence is not a pure myth, and that we can dare at least to think for ourselves, It is evident from recent events, that this same test of knowledge of right from wrong is taken in this country as the test of insanity, (see ex-Min. Jus. Campbell's Manifesto on the "Riel trial.") The popular test here, as at home, is "does he know right from wrong?" If he does, then he is not insane; or at least not legally, or popularly insane. The elasticity of this definition if rigorously enforced, would throw open the gates of our asylums to many, who, for the safety of the commonwealth are now immured. It besides being within reach of the halter all those, who, from motor explosions (epileptics and acute maniacs) may commit murder; and, in the next hour or minute, when examined, be perfectly sane. As medical men, we know and recognize epilepsy and mania to be first cousins, but lawyers do not. Both diseases are