

under a certain state of facts relieve a criminal from the responsibility that would otherwise attach to his actions; but, before doing so, it may be well to refer to the law in relation to this subject as to which there is now no question. The law used to be as laid down in 1 Hawk. Pleas of the Crown, c. 1, s. 6, where it is said: "And he who is guilty of any crime whatever, through his voluntary drunkenness, shall be punished for it as much as if he had been sober." This is not so now. The most recent case on this subject lays down the rule definitely. It is said by Darling, J., in *Rex v. Meade*, L.R. 1 K.B. (1909) p. 898, that the law stood as above expressed for many years and was first decided in a contrary sense in *Rex v. Grindley*, 1 Rus. on Crime, 6th ed., 144, decided in 1819. The learned judge continues as follows: "Since then there have been many decisions in which judges have attempted to express the doctrine that where intent is of the essence of a crime with which a person is charged, that intent may be disproved by shewing that at the time of the commission of the act charged, the prisoner was in a state of drunkenness, in which state he was incapable of forming the intent. Different judges have expressed themselves differently, but not so differently as to be irreconcilable, and to prevent the court from saying that they were expressing the same doctrine."

The facts of the *Meade* case were very similar to those in the one we are discussing. It was proved that the prisoner brutally ill-treated the deceased woman during the greater part of the night on which she died. He said that he would give her a good hiding and broke a broom-stick over her and gave her a violent blow with his fist on the lower part of her body which caused a rupture. The defence was that the prisoner did not intend to cause the death of, or cause grievous bodily harm to, the dead woman. In that case the jury returned the verdict of murder.

Every case must be considered in relation to its own peculiar circumstances. An imaginary case might be that a man who wishes to dispose of his wife, but who has an objection to being hanged, has only to drink a certain quantity of hard cider, which seems to be the beverage best suited to the purpose, and he may then beat her with a poker to his heart's content, and, if she