

B. thinks B. is about to kill him and the only way to save his own life is to shoot B., he is not criminally liable if he does shoot B. But take a case which recently occurred in Toronto. A. thought that B. was spreading the most infamous slanders about him, and, meeting him one day, he shot him. He is liable criminally. The law allows one to kill another if that be the only way to save his own life, but it does not allow the killing of a slanderer, however base.

It may look anomalous to gift in theory one who suffers from delusions with the reasoning powers of one who is wholly sane, but that is the law laid down for us all by the Parliament.

Now, medical witnesses are often fond of laying down what they think should be the law, of saying in the witness box what should be done with an insane accused. That is no part of their duty. If they are not satisfied with the law—and doctors have been girding at it for seventy years and dozens of volumes have been written about it—let them go about it in the right way to have the law changed—use influence with the Parliament, the only body which can make the change. The Court is powerless, and must lay down and apply the law as it actually exists.

The above are the chief occasions on which a medical man meets the law in insanity matters. I add just a word as to capacity to make a contract, rather for the sake of completeness than for its practical importance.

Although insane, one may make a contract binding on himself if he possesses sufficient mind to understand in a reasonable manner the nature and quality of the act in which he is engaged, provided no imposition or fraud is practised upon him and the contract is not grossly inequitable; indeed, a very recent authority goes so far as to lay it down in broad and general terms that a contract made by a lunatic is binding upon him unless he can show that at the time of making it he was to the knowledge of the other party so insane as not to know what he was about.