

RECENT DECISIONS.

ties might be shown by him in other respects. On the other hand, if his reason were so defective in consequence of brain disease, that he could not understand what he was doing or could not understand that what he was doing was wrong, he ought to be treated as irresponsible."

But elsewhere we find him putting the matter as follows:—

"Whenever this partial insanity was relied on for a defence, it must appear that the crime charged was the product of a delusion or other morbid condition, and connected with it as the effect with the cause, and that it was not the result of sane reasoning which the party might be capable of, notwithstanding his limited and circumscribed disorder. Assuming that infirmity of the mind had a direct influence on the crime, the difficulty was to fix the character of the disorder which fixed responsibility or irresponsibility in law. The test was whether the conduct of a man and his thoughts and emotions conformed with those of persons of sound mind, or whether they contrasted harshly with those.

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"The subject was treated to a limited extent in judicial decisions, but more was learned from works on medical jurisprudence and expert testimony.

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"The question for the jury to determine was, What was the condition of the prisoner's mind at the time this project was executed? If he were sufficiently sane then to be responsible, it mattered not what might have been his condition before or after. Still, evidence had been properly admitted as to his previous and subsequent condition, because it threw light prospective and retrospectively on his condition, inasmuch as these disorders were of gradual growth and indefinite continuance. If he were insane shortly before or shortly after the commission of the crime, it was natural to infer that he was so at the time. But still all the evidence must centre around him when the deed was done. The jury had heard a good deal of evidence respecting the peculiarity of the prisoner through the long period of time before this occurrence, and it was claimed on the part of the defence that he was during all this time subject to delusions. The jury must determine whether at the time the act was committed the defendant was

labouring under any insane delusion prompting and impelling him to do the deed."

It certainly does seem clear that the question whether a man is sufficiently sane to be rightly held responsible for any particular act committed by him, is a question of fact and not of law; that the correctness with which this question of fact can be answered must depend on the stage which scientific knowledge has attained to at the time of answering; and that like other questions of fact, it should be left to the decision of the jury, aided by expert testimony, and unhampered by what an American Judge calls defective medical theories usurping the position of common law principles.

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We can now at length proceed to consider the cases in the voluminous December Number of the Chancery Division Law Reports, Vol. 18, pp. 297—710.

The first case in *re Knapman, Knapman v. Wreford*, concerning costs incurred by an executor in a Probate action brought by legatees, has been already noted among our recent English Practice Cases, 17 C. L. J., 414, the note there being taken from 45 L. T. 102 where the case is also reported.

CHARITY—CY-PRES

Of the next case, *re Campden Charities*, p. 310, it is sufficient to say that it illustrates the doctrine of cy-pres as applied to the application of a charitable bequest under the altered circumstances brought about by a great lapse of time.

RAILWAY DEBENTURES—PRIORITY.

The next case *Harrison v. Cornwall Minerals Ry. Co.*, p. 334, was a special case to settle the priorities of debenture stock issued by a railway company at different periods under three several special acts.

ADMINISTRATOR—FOREIGN ASSETS—COSTS.

In *Eames v. Hacon*, p. 347, the plaintiff had been appointed administrator in Ireland, and