

Mr. Justice Tracey in *R. v. Arnold*, 16 How. St. Tr. 764, charged the jury that the prisoner was not entitled to an acquittal on the ground of insanity, "unless he was *totally* deprived of his understanding and memory, and doth not know what he is doing any more than an infant, a brute, or a wild beast."

Towards the close of the 18th century a gentler feeling grew up in regard to mental disorder, largely owing to the attack of insanity with which Geo. III. was afflicted, and in 1800 occurred *Hadfield's case*, 27 How St. Tr. 1313, where Lord Kenyon directed the jury as follows:—"With regard to the law, as it is laid down there can be no doubt on earth. To be sure, if a man is in a deranged state of mind at the time, he is not criminally answerable for his acts; but the material part of the case is whether, at the very time when the act was committed, the man's mind was sane." Mr. Justice Stephen (*Hist. Cr. Law II.* 159), points out that Hadfield "clearly knew the nature of the act—that he also knew the quality of the act. He also knew that it was wrong (in the sense of its being forbidden by law)," yet he was acquitted under this charge.

These humane views were short-lived. The line was drawn more strictly in the next case of importance, where the test is considered to be the power of distinguishing right from wrong in the abstract. This was *Bellingham's case*. He was "a man with a grievance" who shot Mr. Spencer Percival, the Prime Minister, in the lobby of the House of Commons in 1812. The Chief Justice, Sir James Mansfield (not the celebrated Lord Mansfield), told the jury that to be a defence the insanity must so affect the mind of the prisoner "at the particular period when he commits the act, as to disable him from distinguishing between good and evil, or to judge of the consequences of his actions," and that the plea of insanity could not be "of any avail, unless it be that the prisoner, when he committed the act, was so far deranged in his mind as not to be capable of judging between right and wrong."

The manner in which the trial of Bellingham was conducted was most discreditable. With such haste were the whole proceedings forced on that, "to quote the graphic language of Lord Brougham, 'on Monday, 11th May, Bellingham committed the act; at the same hour on Monday, 18th May, his body was in the dissecting room': Pitt-Lewis, p. 184.

In 1843 came the celebrated case of McNaughten, who killed Mr. Drummond, Sir Robert Peel's private secretary, by mistake for