

no precedent for staying the divorce proceedings on that account.

In the appeal Lord Esher went further, when he said "there remained a question of law." "Assuming a diseased mind, and that the diseased mind gave him certain impulses—he would not call it an uncontrollable impulse, as he did not know what that meant in such a case as this—the respondent knew what he was doing and that he was doing wrong. An act of adultery was a culpable act against the wife. He was prepared to lay down as the law of England that whenever a person did an act which was either a criminal or culpable act, which act, if done by a person with a perfect mind, would make him civilly or criminally responsible to the law, if the disease in the mind of the person doing the act was not so great as to make him unable to understand the nature and consequences of the act which he was doing, that was an act for which he would be civilly or criminally responsible to the law. Consequently, even though the respondent's mind was diseased, he was as responsible to the law as if his mind was not diseased." He left the other question untouched as to what the effect would have been if it had been proved that the respondent did not know the quality of his act. The general feeling expressed in the daily papers was that insanity is not now, and should not in future, be looked to as a bar to divorce. We have, however, strong views that in some cases gross injustice is done to mental sufferers and to their families by not recognizing that disease may be more powerful than interest, affection, or reason.

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*Alleged Impulsive Insanity.*

An interesting case of alleged impulsive insanity was recently tried before the Sessions Judge at Belgaum, in the Presidency of Bombay. The prisoner, a native, was accused of having murdered a child for the sake of her ornaments. There was no doubt as to his guilt. The body of the child was found with its throat cut, its hands severed, and the bracelets removed, and it was shown that the prisoner had pawned the bracelets in question for a few rupees. Under these circumstances only the venerable plea of insanity was available. The accused alleged that at the time when he committed the deed he was tormented by a pain in the stomach, which irresistibly impelled him to murder the child,

and invited the Court to ascertain by an operation the truth of his plea. The Sessions Judge sentenced him to death, and the High Court of Bombay supported this decision on appeal. In Sir Woodbine Parish's work on Buenos Ayres a somewhat singular case is recorded (*Cf.* Mayo's "Expert Evidence," pp. 60-61). "Some years ago Juan Antonio Garcia, aged between thirty-five and forty, was executed for murder at Buenos Ayres. He was a person of some education, and rather remarkable for the civility and amenity of his manners. When the *vento niorto* (north wind) set in he appeared to lose all command of himself, and such became his irritability that during its continuance he was engaged in continual quarrels and acts of violence. Before his execution he admitted that his present victim was the third man he had killed, besides being engaged in various fights with knives. When he arose from bed he told Sir Woodbine's informant he was always aware of its cursed influence upon him—a dull headache first, then a feeling of impatience at everything about him. If he went abroad his headache generally became worse; a heavy weight seemed to hang over his temples; he saw objects, as it were, through a cloud, and was hardly conscious where he went. He was fond of play, and if in such a mood a gambling house was in his way he seldom resisted the temptation. Once there, a turn of ill-luck would so irritate him that he would probably insult some one of the bystanders. If he met with anyone disposed to resent his abuse they seldom parted without bloodshed. The medical man who gave me this account attended him in his last moments, and expressed great anxiety to save his life under the impression that he was hardly to be accounted a reasonable being. But (adds the quaint old traveller) to have admitted that plea would have led to the necessity of confining half the population of the city when this wind sets in."

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*Deeming's Appeal.*

Deeming's appeal to the Judicial Committee of the Privy Council ended, as everyone expected, in failure. The only strong points that could have been urged in the convict's favour, viz., the somewhat indecent haste with which the whole proceedings in Australia were hurried through, and the peremptory refusal of Mr. Justice Hodges to grant any adjournment, were studiously omitted from the petition, and