

Letter in *The Daily Telegraph*

Zealous child protection

Sir,

The absurdity of convicting two ten-year old boys of attempted rape could not have occurred if the Labour government had not in 1998 abolished [persuaded Parliament to abolish] the ancient common law presumption of *doli incapax*. In Stephen's *Digest* this was described as follows: "No act done by any person over 7 and under 14 years of age is a crime, unless it was shown affirmatively that such person had sufficient capacity to know that the act was wrong".

Francis Bennion

Note I included the version shown in square brackets so as to show correctly the difference between the executive and the legislature. This difference was obliterated by the sub-editor who substituted the version shown. Educated readers will of course assume that I was just showing my ignorance. For my account of the abolition of the *doli incapax* presumption see [2008.017](#).