

three provincial districts. Unfortunately for the editor of the *Western Law Times* the civil list is in much the same circumstances, and he dolefully quotes *apropos* a line or two from "Through the Looking-glass": "No birds were flying overhead, there were no birds to fly"; which he renders into what he terms a paraphrase: "No suits shrewd counsel tried to win, there were no suits to try." If the judges of the Court of Queen's Bench would extend their circuit to Ontario, they would find an occupation in disposing of various non-jury remanets. According to the annual statement of the Law Society, \$850.67 has already been spent in an attempt to strike off the rolls an attorney, who, however, still remains on. It might, perhaps, be thought he could have been left on for less money.

IMPRISONMENT FOR INSANITY.

A most remarkable bill has just been introduced into the New York Assembly. It provides that where a person tried on a criminal charge is acquitted on the ground of insanity the court may order him—if he has been tried for any crime but a capital one, or an attempt to commit felonious homicide—to be committed to an asylum until he becomes sane. So far so good, but the bill then goes on to provide that in the other cases above mentioned the court "*shall make* an order that the person so acquitted shall be confined in the state lunatic asylum for a period of *not less than ten* nor more than twenty years." When we consider the possibility of the person recovering at any time after he is confined, the outrage perpetrated upon the liberty of the subject is apparent, for an innocent man—because acquitted—and in his right mind, may be incarcerated for a period of, perhaps, nearly ten years. The evils which this bill is intended to meet are great, and the object of the promoter is praiseworthy; but is not this a case where the cure is far worse than the disease? Even if this bill should become law, it is more than doubtful if there is power in any legislature to order the imprisonment of any one simply because he was once insane.

OATHS OF WITNESSES.

During the hearing of a case (*Dehn v. Bially*) in the Liverpool County Court, it was stated that certain foreign Jews did not consider binding an oath taken on an English translation of the Pentateuch, and it was suggested that it be printed in Hebrew for the purpose of the court. Since it is the law of England (see Roscoe's *Nisi Prius*, 16th ed., p. 157, and cases there cited) that a witness shall be sworn by whatever means he declares to be binding on his conscience, it will be necessary for every court to keep a full library on hand, which must include Korans, the Old and New Testaments bound together and singly, and in several languages, Testaments with crosses on them, to say nothing of a saucer or two that may be cracked, with, perhaps, even a live Brahmin, in order that a Gentoo witness may with his hand touch the foot of that part of the live stock-in-trade of the comprehensive modern court room (see *Ormichund v. Barker*, 1 Atk. 21). These are difficulties that can be overcome, but a more serious one, for which no remedy has yet been found, lies in the very fact that a witness shall be sworn by that which *he declares* to be binding on his conscience. Supposing—