

EDITORIAL NOTES—BANKRUPTCY REFORM IN ENGLAND.

tiff's premises two miles away, and burned property of plaintiff. No agency intervened to spread the fire except the wind, which changed its directions, with some increase in force. *Held*, that a verdict for plaintiff in an action against defendant for the loss of the property burned was proper.

In these days when the plea of insanity is so commonly set up in criminal cases, it will be instructive to note that a new system of imprisoning insane homicides has lately been applied in France on a limited scale, with much success. We are told by the *Kentucky Law Journal* that—

"No man can be acquitted of a crime on account of his insanity, unless, through his counsel, he pleads his insanity. This throws upon him and his counsel the responsibility of accepting the issue—sane or insane. If he be acquitted because of his insanity, he is confined, not in a common penitentiary (for his confinement is not intended for punishment) nor in an insane asylum, subject to be discharged upon the ready certificate of a physician; but he is imprisoned, at all events for a fixed time, and is subjected to medical treatment, but, under no circumstances, to a doctor's discharge. Nor is he subjected to hard labour nor to the debasing *regime* of a common jail. The period of confinement is scaled according to the nature of the offence charged, but in no case is proposed to extend over the prisoner's whole life. If during the prisoner's life his term of imprisonment should expire, he can be released only after his insanity is positively established by evidence to the satisfaction of a number of inquisitors selected with a view to perfect freedom from the influence of the prisoner and his friends. It is the duty of the attorney for the State to oppose the discharge. We suggest this as a tested mode of treating insane homicides, which seems rational, just, and practicable. It appears to compromise fairly between the rights of society and the rights of the insane. And, what is practically of great importance, it does not so shock our humane feelings as to make it distasteful

to the people, and, therefore, impossible of application."

The last number of the *Criminal Law Review* contains a long article on the judicial problems relating to the disposal of insane criminals, which also speaks of the same subject.

BANKRUPTCY REFORM IN ENGLAND.

Lord Sherbrooke (Robert Lowe) has written an article in the *Nineteenth Century* discussing the vexed question of Bankruptcy Reform in England. He says, "The plan of trusting the property of bankrupts to officials has, I blush to say, turned out a complete failure." The estate was "an object of plunder and speculation." He adds, "I will not stop to inquire by what abuse of patronage it came to pass that persons chosen by high authorities from a learned and honourable profession, should have been unequal to withstand this not very trying temptation. It puts one in mind of the King of England who said, 'I know not which of my lawyers to appoint, for on my soul they be all rogues.'" As we understand it, neither in England nor in Canada have official assignees been taken from the ranks of the profession, so that in this respect the writer is wide of the mark. Mercantile men, broken-down politicians, so-called "conveyancers," were the class in this country from which most of these persons were taken; and though, of course, the pamphleteer had no reference to Canada, the language, though strong, is no stronger than was applied here to official assignees (with some few exceptions) very generally, before they were with one accord swept out of existence. Lord Sherbrooke advocates doing away with the bankruptcy laws altogether, but with a provision for lessening the period of limitation for debts. He thus concludes a most trenchant article: "First-born of things