

will go to the mouse. If a witness manifests the least temper, he is committed for contempt. If he persistently prevaricate, he is to be prosecuted for perjury. If he does not tell the whole truth, however it may blacken himself and neighbors, he will not get a certificate of indemnity, and will be liable to prosecution. It would be amusing, if it were not so painful, to note how the examined witnesses watch the proceedings, and come from day to day to offer explanations. Take the case of Mr. Harold Barkworth, of Beverley, as a specimen of the torture of witnesses. Mr. Barkworth is an alderman and a borough magistrate, and he was prepared to defy the commissioners. We cannot do better than quote the scene between him and Mr. Serjeant O'Brien, the Chief Commissioner, as reported in the *Times* of Wednesday:—

Witness: He had given money to Burrell before, but could not say when.

The Chief Commissioner: You will be compelled to say when, as sure as you stand in that box.

Witness: I must take the consequence, but I cannot answer that question.

The Chief Commissioner: You are sworn to tell the truth, and the whole truth. You must say when you paid that money. It is no use your refusing to answer. When did you pay the money?

Witness: I cannot answer the question.

The Chief Commissioner: You must and you shall. You hold Her Majesty's commission as a justice of the borough, and we are here under sign manual to inquire into this. You are bound whole truth. Did you pay Burrell any money besides this 2/ or 3/?

Witness: I cannot answer.

The Chief Commissioner: Did you pay him any money in 1868?

Witness: No.

The Chief Commissioner: Did you pay him any money in 1867?

Witness: I am sure I cannot say.

The Chief Commissioner: Yes you can, and you shall answer the question before you leave that box. You shall answer it. Did you pay Burrell any money in 1867 in reference to these elections?

Witness: I will take the consequence; I have given you my answer already.

The Chief Commissioner: You have given me no answer. I asked you did you pay Burrell any money in 1869, and you have given me no answer. Now you must answer the question.

Witness: I cannot answer it, and I shan't.

The Chief Commissioner: I will put the question once more. Did you pay Burrell any money in 1867?

Witness then looked down, and began to pull his glove about, declining to answer.

Mr. Barstow: Now, Mr. Barkworth, I really must beg of you not to compel us to do anything disagreeable. You are asked a very simple question. Did you or did you not pay money to Burrell in 1867? Am I to understand you will not answer that question?

Witness: I have no hesitation in saying that I advanced money in 1867.

Mr. Barstow: In reference to any election?

Witness: Yes.

The Chief Commissioner: How much?

Witness: Between 50*l.* and 60*l.*, on the 1st of November, 1867.

The Chief Commissioner: That was in reference to the municipal election?

Witness: Yes.

The Chief Commissioner: I am glad of it, exceedingly glad.

Can anything be more thoroughly dramatic than the looking down and the pulling about of the glove? To an officer of the Society for the Prevention of Cruelty to Animals the sufferings of Mr. Barkworth would have been too horrible to look upon. The Chief Commissioner's hint about something disagreeable put an end to the torment. In an instant Mr. Barkworth's memory was restored to him. Suddenly he recollected he had advanced money in 1867. Nay, he remembered all the incidents. He remembered it was for an election. He remembered the amount. And—marvel of marvels!—he remembered the very day on which he advanced the money.

May we not learn a useful lesson from the miraculous recovery of Mr. Barkworth's memory? Now and then, and indeed frequently, we have to deal with *non mi ricordor* witnesses both in civil and Crown cases; that is, with witnesses who forget everything that they deem inconvenient to remember. Would it not further the ends of justice if judges were to intimate to such persons that they are sworn to tell the whole truth, and that they must do so to avoid something disagreeable,—to wit, a prosecution for perjury? We must congratulate the Election Commissioners upon the eminent success which has attended their plan of squeezing out the whole truth, and we see no reason why it should not be adopted in all judicial inquiries.—*The Law Journal*.

## MAGISTRATES, MUNICIPAL, INSOLVENCY, & SCHOOL LAW.

### NOTES OF NEW DECISIONS AND LEADING CASES.

INSOLVENCY—DEMAND OF ASSIGNMENT—27 & 28 VIC. CH. 17, SEC. 3.—PLEADING.—Declaration that plaintiff and another carried on business under name of "Magill Bros.," were in good credit, and solvent, and had not ceased to meet their commercial liabilities; that defendants, being creditors for sums not exceeding \$500, maliciously intending to injure plaintiff, and destroy his business and credit, falsely, &c., and without reasonable, &c., cause, made a demand in writing on said firm in the form "E" in the schedule to the Insolvent Act of 1864; that within five days thereafter defendants refused to abandon said proceedings, but, as a condition, insisted that plaintiff should retire from said firm, and that certain security for a composition on debts of said firm should be given, or defendants would proceed; that the trade and credit of firm were much injured, and that, in consequence of