extraordinary state of facts which could place an innocent man in such a position—so peculiar and so extraordinary that it may be safely said to be of exceedingly rare and infrequent occurrence. False testimony may do it at any time; but it is not possible for mere statutes to protect the accused against perjury. It must be "the lie with circumstance" that creates the danger in such cases; and *mere* denial by the accused, even though under oath, might avail very little. But if appearances are against a defendant,—that is to say, if facts and circumstances are proved, by honest testimony, which tend strongly to prove his guilt,—he, of course, must meet and explain those facts and circumstances. If he has counsel, the defendant's explanation will at least be suggested. If he has no counsel, he will, in answer to the call of the presiding judge, make the suggestion himself. If he is really innocent, all the true and honest evidence against him will be consistent with his innocence. Truth is always consistent with itself, and requires no ingenuity or skill for its exhibition. The explanation will come out and be made known. If it meets and covers the case, it will relieve him, even if it be only laid before the jury as a theory, or as a possible state of facts, consistent with the evidence, and also consistent with the innocence of the defendant. If it do not meet and cover the case, it will avail nothing to swear to it. The presumption of innocence, and the reasonable possibility of innocence, consistently with the facts proved, constitute the real and effective defence in all such cases.

It sometimes happens undoubtedly, especially in the case of atrocious and startling crimes, that the public anxiety and alarm stimulate detectives into extreme activity, and rouse up some witnesses into a degree of positiveness and firmness of recollection that may be quite unwarrantable. Fearful mistakes are sometimes made as to the identity of the person arrested and on trial with the actual perpetrator of some great outrage. But, in such cases, the mere denial by the accused would not be greatly reinforced by his oath. It costs so little for a felon to deny his crime! Of course, he would deny it. The true protection is the discrimination and carefulness of the presiding judge, the zeal and energy of the counsel in defence, the fairness and integrity of the public prosecutor, and, last and best of all, the conscientious and wise caution of the jury.

To sum up, then, the objections to the new system of the administration of criminal justice, we take these points:—

It will be found to be compulsory in its operation, and will force defendants generally, in criminal cases, to take the stand as witnesses.

It will compel the guilty either to criminate themselves, or rely upon perjury for their protection.

It will, to a great degree, deprive all accused parties of the benefit of the presumption of innocence.

It will lead to such an accumulation of false and worthless testimony in the criminal courts, that there will be great danger that jurors will habitually disbelieve all testimony coming from any defendants.

It gives to persons who are really not guilty of any offence charged against them no substantial advantage over the presumption of innocence, and is wholly illusory as a privilege.

It tends to degrade the trial of a criminal case into a personal altercation between the prosecutor and the accused.

It is an experiment entered upon without necessity, not called for by the profession, not petitioned for by anybody, demoralizing from its encouragement of perjury, and useless for the purpose of accomplishlng any substantial good result.—*American Law Review.*

MAGISTRATES, MUNICIPAL, INSOLVENCY, & SCHOOL LAW.

NOTES OF NEW DECISIONS AND LEADING CASES.

INSOLVENCY—EXECUTION—ATTACHMENT—PRIORITY.—By sec. 13 of 29 Vic., ch. 18, the divesting of any lien or privilege (*i e.* priority of right) does not extend beyond the fact of levying upon or seizing under the writ of execution: it does not extend to the sale thereunder. In this case a writ of execution had been placed in the Sheriff's hands on 15th March, 1866, and on the 26th of the same month a sale of the goods thereunder, commenced at 10 a.m., was completed at 11 a. m At the latter hour of this subsequent day a writ of attachment was placed in the Sheriff's hands against the defendant:

Held, that the attachment was not entitled to prevail over the execution, and that the Sheriff was not, therefore, liable to the assignee of the insolvent for having sold under the execution *Converse* v. *Michie*, 16 U C. C. P. 167, distinguished.—*White* v. *Treadwell* (*Sheriff*), 17 U. C. C. P. 488.

INSOLVENCY—JURISDICTION OF COUNTY JUDGE—APPEAL.—The County Judge has a general jurisdiction in matters of insolvency, and may sanction a suit in the name of the assignee, for the benefit of the estate, notwithstanding a majority, both in number and value, of the creditors pass a resolution forbidding further proceedings.

An order to that effect having been made by the Judge, the assignee appealed therefrom in the interest of the creditors whose transactions the suit impeached for fraud, and the appeal was dismissed with costs; the Court observing that it was not the duty of the assignee to appeal from such an order at the expense of the estate. —*In re Lambe*, 13 U. C. Chan. Rep. 391.