

under confinement, under indictment, under criminal charge, etc., would appear to be insane, the judge of the court of the City or County shall institute a careful investigation calling on two legally qualified examiners in lunacy, neither of whom shall be a physician connected with the institution where the individual to be examined is confined, and other creditable witnesses, and if it be satisfactorily proven that he is insane the said judge shall discharge him from imprisonment and instead commit him to a state institution for the care, custody and treatment of the insane, where he shall remain until restored to his right mind. In the case of persons in confinement under sentence of death appearing to be insane, the Governor may appoint a commission of not more than three disinterested persons to examine him and report to the Governor as to his sanity at the time of the examination. Before commencing they must take the oath prescribed in the Code of Civil Procedure to be taken by referees. Article 638, extract from code of criminal procedure. When a defendant pleads insanity, as prescribed in section 336, the court in which the indictment is pending may appoint a commission of not more than three disinterested persons to examine him and report as to his sanity at the time he committed the crime. This commission must summarily proceed to make their examination, but before commencing they must take the oath prescribed in the act of Civil Procedure, etc.

In Germany, when a man under indictment pleads insanity he is sent to a Psychiatric Clinic or Mental Hospital, and is retained there until careful study of his case has been made, and until those in charge are able to report as to whether the man was sane or insane at the time he committed the act. The Psychiatric Clinic at Munich, under Kraepelin, has been especially prominent in its scientific attitude towards mental criminals. In these clinics prisoners are retained as long as they are of interest to science or to the course of justice. In Austria the same law holds for persons under indictment for criminal offences. If the question of insanity be raised either by the person himself or by his counsel the prisoner is referred to the Psychiatric Clinic or Mental Hospital for further study and examination.

Underlying the whole British system of Jurisprudence whether medical or otherwise, there stands one goal idea, that a man be tried by his peers, and judged accordingly. Trial by jury has been the main-spring, the bulwark of British justice. From the day that the Barons at Runnymede compelled King John to sign the Charter of British liberties, this principle has prevailed throughout. The love for it is as strong to-day as it has ever been. This principle has never been questioned. It is not in question now. Does not, however, the element of justice admit, nay even demand, that the judge and jury should be instructed in every possible way as to the case in hand. Should not,