

time, too, it may be said, enlightened medical opinion has obtained a recognition on the Statute-book of the modern scientific view as to insanity and mental infirmity."

THE JUDICIAL SYSTEM OF SOUTH AFRICA.

Information on this subject is obviously of interest to us in the Dominion of Canada. We gladly, therefore, give our readers the benefit of a paper by Mr. S. B. Kitchin, advocate, of Kimberly, South Africa. He writes as follows:—

"For judicial purposes South Africa may be said to include the Union of South Africa (consisting of the Cape of Good Hope, Natal, Orange Free State and Transvaal Provinces) and the separate colony of Southern Rhodesia. With the exception of the native protectorates, which are under Imperial administration, and where, as a rule, native laws and customs are in force, the common law of South Africa from Cape Point to the Zambesi is the Roman-Dutch law as it was at the time of the annexation of the Cape in 1806, modified by local judicial decisions and statutes. Of this body of law, which was first introduced into South Africa by the Dutch settlers at the Cape in the sixteenth century, Lord De Villiers, C.J., has said:

"They are not to be found in any code or authentic document to which easy reference can be made, and it is often only through a judicial decision upon a disputed question of law that the Legislature becomes aware of the existence of a particular law. The conclusion at which I have arrived as to the obligatory nature of the body of laws in force in this Colony, at the date of the British occupation in 1806, may be briefly stated. The presumption is that every one of these laws, if not repealed by the local Legislature, is still in force. This presumption will not, however, prevail in regard to any rule of law which is inconsistent with South African usages. The best proof of such usage is furnished by unoverruled judicial decisions. In the absence of such decisions the Court may take judicial notice of any general custom which is not only well established but rea-