theory, appointed for reasons other than the probable amount of their judicial faculties; and even where this is not the case, the faculty which justifies the appointment may be rather a capacity to assist juries in dealing with facts, and in other respects to preside with efficiency at *nisi prius* and in criminal trials. This faculty by no means always accompanies the legal learning required *in banco*, and yet it is obviously convenient not to have special judges for the different departments. As regards the actual number required, however, we certainly incline to the opinion that three is as good as four, and much better than four, three or two, according to chance, as we have now. Of course it would be foolish so to fetter the discretion of the judges as to interfere with the dispatch of business, when accident prevented the formation of a full court, but if the number to sit is reduced to three, it ought to be understood that it is not meant that two should sit as often as three do now. Three is a good number, because there must always be a majority, and also because the judges can consult together on the bench more easily than if there are four.

With regard to the equity courts of first instance, we know of no desire on the part of the profession or of suitors, at all events until they have lost their cause, to be heard before more than one judge. This, however, does not apply to courts of appeal. We have before expressed our opinion of the bad policy of the recent change. It is not too much to say that there has been no court in the kingdom which has worked so well and given so much satisfaction generally as the Lords Justices Court as recently constituted. It is perhaps needless to say we are not, in speaking of the constitution of the court, referring to the individuals who compose it. Indeed, we are almost afraid that Lord Cairns and Sir John Rolt, may do their work when sitting singly too well, so that it may become so much the practice for them to sit alone, that in future, when men less competent to review the decisions of other judges may fill their places, it may be difficult not to follow the usual course. We think the Act introduced a foolish and unnecessary change. We believe it was done in order to remedy an accidental inconvenience from the illness of one of the judges. It would surely have been much better to have given to some one, either the Lord Chancellor alone or in conjunction with one of the Lord Justices, a power to appoint a deputy for a limited time. The change is sometimes justified by saying, that there is even less security that the Lord Chancellor will always be a good equity judge, and that he has always had power and been in the habit of sitting alone, although he has now power to call in assistance. This seems to us a far better reason for appointing a third Lord Justice to assist the Lord Chancellor, than for interfering with, perhaps, the best court in the kingdom. The subject of the Court of Exchequer Chambers is a difficult one; several plans may be suggested for preventing a minority of judges overruling a majority, as now happens occasionally. This might be effected by counting in the judgments of the judges below, where there was a difference amongst the judges above, by which method, however, the possibility of a change of opinion upon re-argument is not provided for. Perhaps as simple and practicable a plan as any would be to require for the reversal of a decision of the court below a minimum number of six judges and a majority of two to one in favour of reversing the decision. Under this plan, assuming the number of judges below to be reduced to three, there would only be one possible case in which a minority could overrule a majority, viz., four against five. There would not be much practical harm in this, as the opinion of the judges below are clearly not of equal value with those of the judges above, who are able to weigh the reasons given in the judgments below, and also have the advantage of another argument often by different counsel.—*Solicitors' Journal.*

ON THE UTILITY OF OATHS.

(By Edward Gardner, L.L.B.)

The subject of oaths and declarations taken in various departments of the State has latterly attracted the attention of Parliament; and during the session 1865–66 a Commission was held to inquire what oaths, affirmations, and declarations are required to be taken or made by any of Her Majesty's subjects in the United Kingdom other than those taken or made by members of either House of Parliament, or by prelates or clergy of the Established Church, or by any person examined as a witness in a court of justice, and to report their opinion as to the dispensing with or retaining and altering such oaths, affirmations, and declarations. To the report made by the Commission, are appended 300 closely-printed pages of oaths and declarations taken by the holders of different offices on their appointment to them, and to these many others might be added which the Commissioners seem to have missed. Passing over the report itself, which appears to be fully concurred in by one only of the five Commissioners who sign it, we come to the dissent of Commissioners Lyveden, Bouverie, Lowe, Maxwell, and Milman, who seem to have brought their great intellects to the examination of a question in a truly philosophic spirit. They come to the conclusion that by far the greater number of the oaths into which they had examined, ought to be abolished, and the rest changed into some convenient and distinct form of declaration:—

"The imprecatory forms of oath in common use," they say, "appear open to very grave objections. Such oaths seem to assume that God's vengeance may be successfully invoked, and God's help declined or accepted by frail and fallible man, or made conditional on the truth of his assertions or the fulfilment of his promises—notions