"a court or judge to order" such inspection "on the application of any party to a legal proceeding." Court is defined to be the "court, judge, arbitrator, persons or person before whom any legal proceeding is held or taken," and "legal proceeding means any civil or criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitrator." In correction of our remarks last week, we say, therefore, that it obviously includes the Lord Mayor, sitting as a magistrate, and even the petty sessions' magistrates, against whose power to order an inspection of his banker's book the Chief Justice expressed so much horror.

The Evidence Further Amendment Act, 1869, sect. 4, was brought under notice by one of the witnesses for the defence claiming to affirm on the strength of his statement that he was an Atheist. Mr. Bradlaugh said that it had been so decided, but the decision was not reported. The Chief Justice refused to allow him to affirm until he had stated that he was "a person on whose conscience an oath had no binding effect;" but upon the witness saying that "the oath had no binding effect on his conscience *per se* as an invocation," he permitted him to make the "solemn promise and declaration" prescribed by the Act. It is probable that the mere assertion of entertaining atheistic opinions is sufficient to enable a witness to affirm under the Act instead of taking an oath, as the words are more general than those used in the previous Act of 1861, under which the witness had to assert as part of his affirmation that "the taking of any oath, according to his religious belief, was unlawful." Under the present Act he has only to "object to take oath, or be objected to as incompetent to take an oath." But an Atheist is incompetent to take an oath, because, as Lord Chief Justice Willes said, in *Omichund* v. *Barker*, "Such infidels, if any such there be, who do not believe in a God . . . cannot be witnesses in any case, or under any circumstances, for this plain reason, because an oath cannot possibly be any tie or obligation upon them;" and therefore, if he objects to take an oath, the judge ought upon that statement to be satisfied that an oath is not binding upon his conscience, and to admit him to promise under the Act. Lord Coleridge, in his summing-up to the jury, maintained the statement of the law of blasphemous libel as laid down in Starkie, and stated by his father, Mr. Justice Coleridge, against that contended for by Mr. Justice Stephen in his History of the Criminal Law—viz., that it was the manner in which an attack on Christianity was made, and not the matter, which made it libellous. The reasons adduced for this opinion, however, are hardly of much weight. The consequences of holding the reverse view, that to attack Christianity, however respectfully, was criminal, founded as it was on the doctrine that Christianity was part of the Constitution, would be that any political attacks on, say hereditary monarchy, or the law of primogeniture, would be criminal also. But the judges who laid down that attacks on Christianity were blasphemous libels did hold that attacks on the monarch were seditious libels. Because the consequences of the law being what it is said to be by Mr. Justice Stephen would be monstrous, that did not prove that the law is not so; it only proves that there is every reason why it should be changed. The Chief Justice's ruling may be upheld more surely on the ground that the law has been so stated for the last thirty years, and that it is expedient that the modern should overrule the ancient authorities, that on the mere inference that because the logical result of the ancient ruling would be absurd, therefore it is not the law. However, the case did not turn upon the issue of blasphemy or no blasphemy, but on that of publication of the alleged libel by the defendant. On this point the Lord Chief Justice in his summing-up dwelt exhaustively with the subject of the criminal liability of the proprietor or editor of a paper for the publication of a libel. This involves the construction of the 7th section of Lord Campbell's Act (6 & 7 Vict. c. 96). The section runs "that whensoever upon the trial of any indictment or information for the publication of a libel, evidence shall be given which shall establish a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent or knowledge." The much-discussed case of *Regina* v. *Holbrook* (37 L. T. Rep. N. S. 530) decided that in a trial for a defamatory libel evidence that the defendant, although proprietor or having the general control over a newspaper, had intrusted the sole charge of it to an editor, and had not authorized and had no knowledge of the particular libel incriminated, was within the section, and afforded a complete answer to the charge. Lord