

teur à un vicariat apostolique et qui comme tel pouvait juger des cas prévus par les lois de Rome, fut à raison de son office, admis à prouver les lois de Rome relatives au mariage. 11 Cla. & Fin. 85. 1 C. & K. 213. Il est permis à semblables témoins de consulter des ouvrages sur la loi étrangère pour aider leur mémoire, mais la loi même est considérée être telle qu'ils la prouvent.

§ IV. *Documents des départements d'administration.* — M. Greenleaf au n° 483, fait voir les motifs de crédibilité qui s'attachent aux documents des départements publics : — The next class of public writings to be considered, consist of *official registers*, or books kept by persons in public office, in which they are required, whether by statute or by the nature of their office, to write down particular transactions, occurring in the course of their public duties, and under their personal observation. These documents, as well as all others of a public nature, are generally admissible in evidence, notwithstanding their authenticity is not confirmed by those usual and ordinary tests of truth, the obligation of an oath, and the power of cross examining the persons, on whose authority the truth of the documents depends. The extraordinary degree of confidence, it has been remarked which is reposed in such documents, is founded principally upon the circumstance, that they have been made by authorized and accredited agents, appointed for the purpose; but partly also on the publicity of their subject-matter. Where the particular facts are inquired into and recorded for the benefit of the public, those who are empowered to act in making such investigations and memorials, are in fact the agents of all the individuals who compose the State; and every member of the community may be supposed to be privy to the investigation. On the ground, therefore, of the credit due to agents so empowered, and of the public nature of the facts themselves, such documents are entitled to an extraordinary degree of confidence; and it is not necessary that they should be confirmed and sanctioned by the ordinary tests of truth. Beside this, it would always be difficult, and