tended that the notes could not be a record unless taken after a demand in writing, and therefore that they could not be produced in the case as evidence. That if they were a record they were evidence alone, and that the stenographer's evidence was improperly received. The cases of Reg. against Gibson, 7 Rev. Leg. p. 573, and Reg. against Martin, 21 L. C. J., p. 156, were relied on. In the former of these cases the accused was duly sworn under the law in open court and began his deposition before the court, and adjournment was had, and the accused continued his deposition before the Prothonotary according to a totally different system. The alleged perjury was as to a fact stated in the latter part of the examination. We held that the continuation of the deposition was a voluntary statement on which perjury could not be assigned. In the other case we held that the witness was not duly sworn, as the oath was administered by the Prothonotary, who had only a right to administer the oath and take the deposition after a consent in writing, which was wanting. In this case the defendant was duly sworn, so was the stenographer, and the evidence was taken by the stenographer instead of by the Judge. There was no demand to take the notes by a stenographer, and his fees were not paid, and therefore there was an irregularity as to the record of the evidence for the purposes of the civil suit. But if we are to believe the evidence on the trial for perjury, and if it was admissible as evidence, then there was a false oath, in the civil case, which that irregularity could not efface. It might at most be the proof of it, and this is really the pretension on the part of the defendant. No case has been produced in which it has been held that the false oath, duly administered, to an affidavit taken in a suit in which there was an irregularity in the procedure, was not perjury. If the offence be committed there must be the means of proving it. Now, it is argued that the only means of proving it is by what the law has declared to be a record; and that record cannot be used, because all the formalities required by law were not observed. The answer to this appears to me to be easy. The record is not null. It produces all the effect it was intended to have, and its authenticity is quite as great as if the formality of a demand in writing had been made. It is then said that if it was the record of the oath, it was proof alone, and the evidence of the stenographer should not have been taken. It seems to me that this pretension was disposed of by the very authority cited on the part of the accused, to the effect, that in the case of a marksman there should be evidence that the affidavit signed by his mark had been read over to him. This is no more than saying that there must be evidence that the contents of the affidavit were actually the assertions of the marksman. If it be necessary to have such evidence in the case of a marksman who, by affixing his mark, has made the document his own, how much more must it be necessary in the case of a record of this kind originally taken in a cipher and transferred to notes of which the accused never saw a line? It seems to me that the dictates of the most ordinary common sense leave no room to doubt that the evidence of the stenographer was not only admissible, but was absolutely necessary. So strongly have I always been of this opinion, that on the trial of Downs, for perjury, I refused to allow the notes of the stenographer to go alone to the jury, the stenographer being only able to state "these are my notes." It appeared to me that to admit these unsigned notes alone would be to permit the establishment of a new rule of evidence in criminal matters without the authority of Parliament. The object of 31 Vic., cap. 71, sec. 4, was not to allow the local legislatures to alter the criminal law, but to attach the penalties of perjury to every false oath made under the authority of a local act. That the view I took in the case referred to is in accordance with the practice in England, appears from the case of *Regina* v. *Thomas*, 2 Car. & Kir. 806. It was perjury assigned on a deposition in English taken before a magistrate and signed by the defendant, and it was held that he might be convicted on proof of a verbal deposition in the Welsh language, of which the written deposition signed by him is the substance. It was argued, speciously enough, that the record, and the record alone, was evidence, because the contents could not have been added to, and therefore they could not be diminished. This proposition contains a fallacy, it appears to me. The record of what was said could not be added to by parol evidence, for a very obvious reason,