circumstances of the death the subject of the declaration.

There is a curious case in which the dying declaration of a person was admitted, on which the prisoner was being tried, not for murdering the deceased, but another person, by the administration of poison, but in the perpetration of that act he had also inadvertently poisoned the deceased. In that case the court held that the same act caused the death of one as the other, and that, it being all one transaction, the evidence was admissible. Reg. *v.* Baker, 2 M. & Rob. 53.

There are also certain rules which apply to a dying declaration, which we may sum up briefly thus: It must have been when the declarant was in actual danger of death, had a full apprehension of his danger, and that death must have ensued. The various circumstances attending the making of such a declaration are evidence to its character. It must also be complete and unqualified, and it is governed by the ordinary rules of evidence as to the admissibility of the matter contained therein.

No doubt much confusion springs from the fact that the distinction between a dying declaration and depositions taken in the case of the serious illness of a witness is not properly appreciated. It is, moreover, deeply rooted in the human mind that the fear of approaching death is such that a man in such a position is bound to tell the truth. But, however this may be with regard to the intention of the witness, there are many circumstances which may affect the credibility of the witness.

Putting aside motives of spite or anger, there is still to be remembered that few people even with the greatest desire to speak the truth can give an absolutely accurate statement of circumstances which only took a few moments to occur, still less so, perhaps, when the memory and recollection are apt to be impaired by impending death. The law, therefore, has safeguarded as much as possible the use of dying declarations, and restricted their employment to cases where the manner of death is the subject of inquiry.

## OLD LAW BOOKS.

Law books are certainly among the things that have kept pace with the population. It is especially true of legal treatises that of the making of them there is no end, and there is scarcely a lawyer who would not add that much study of them is a weariness of the flesh. Although law books were amongst the earliest works that issued from the printing press in England—the statutes of Henry VII. were printed by Caxton himself—yet Coke, writing some 250 years ago, could not count more than fifteen treatises on the law. Now the text-books, to say nothing of the reports and statutes, are to be numbered by their thousands. To Ranulf de Granville, who was chief justice in the reign of Henry II., belongs the distinction of writing the first treatise on the law. He combined with the learning of the lawyer the valor of the soldier, and he is known to fame not only as the father of legal literature in England, but also as the captor of the King of Scots at the battle of Alnwick. Among the most precious volumes in Lincoln's Inn Library is a MS. copy of his treatises more than 500 years old. A peculiarity of Britton's work, which is believed to have been written under the direction of Edward I., is that the words are put into the mouth of the king. This treatise was written in French, in which language law books continued to be written for nearly four centuries. During the same reign the commentary on English law, called "Fleta," was written. Nothing is known of the author except that he commenced and completed the work