In the Exchequer Division it was said to be an inflexible rule that any witness who remained in Court after an order to withdraw, could not on any account be examined. *Att.-Gen.* v. *Bulpit*, 9 Price, 4.

And in the other Courts it was from time to time held that the admission or rejection of evidence under these circumstances was a matter within the discretion of the Court. *Parker* v. *M'William*, 6 Bing. 683; *Beamon* v. *Ellice*, 4 C. and P. 585.

But the better opinion would now seem to be that the Judge may not (except possibly in Revenue cases, under the old Exchequer Rule) refuse to admit the evidence of a witness under these circumstances. He may fine or commit the witness for contempt, and the disobedience of the witness may well become the subject of comment and remark. *Chandler* v. *Horne*, 2 Mood. and Rob. 423; *Cobbett* v. *Hudson*, 1 E. and B. 11, at p. 14.

The tendency in modern times is to turn on all the light. The civil law abounded in restrictions upon testimony, and one of the principal evidentiary rules laid down by it is that evidence should be *excluded* whenever any possible motive could operate to produce falsehood; hence it extended its prohibition to testify to relations within a certain degree, such as parent and child, and to the domestic relation of master and servant, to freedmen and clients, advocates, attorneys, tutors, curators, and those who, by eating, drinking, etc., with the other party, had thrown themselves open to the suspicion of subornation. But great discretion was given to the Judge in admitting and excluding testimony, and in judging its weight.

And formerly in England, when juries were composed of rude and illiterate men, a system of excluding testimony extremely technical and artificial, grew up.

But when jurors became more capable of exercising their functions inte ntly, the Judges began to oper wide the door, until now they may be said to have taker