

mended Judge MEREDITH, and also Judge TASCHEREAU, whom he had known as a most hardworking man, the most valuable quality which a lawyer could possess. After complimenting some other gentlemen occupying seats on the bench, he referred in high terms to Judge WINTER. The last recommendation for which he was responsible was that of Mr. Justice BOSSE, whose eminence in his profession was indisputable."

Mr. CARTIER went on to say:—"The true difficulty in remodelling the judiciary had been already most justly stated to be the want of any means of pensioning old or infirm judges, for which they had only £2,000 at their disposal in Lower Canada, on which small fund there were already some charges existing. It was quite correct, as had been stated, that the business to be transacted in Montreal was equal to that of all the rest of the Province, and the absence or illness of any judge necessarily occasioned inconvenience. He went on to relate the circumstances under which Mr. Justice Smith had taken leave of absence on the ground of ill-health. When at any time it was proposed to a judge to retire, he demanded a pension equal to the full amount of his salary, and the judge to whom the hon. member for Gaspé had referred, who was 85 years old, had ten years ago refused a pension of two-thirds, offered as an inducement to him to resign."

We trust that the Minister of Justice will appeal to Parliament to place the pension fund on a more liberal footing, and also that some regulations will be introduced to prevent judges from setting public opinion at defiance by retaining their seats when obviously disqualified by age or infirmity.

#### THE FORM OF OATH.

It has always been with some repugnance that we have regarded the use of a testament, generally greasy and much defaced, in administering oaths, and we shall not be sorry to see the day when the practice of kissing the book is abolished. We there-

fore entirely concur in the following from the *Gazette* :

"We publish a letter, signed L. X., criticising a decision of Mr. Justice Monk refusing to set aside a judgment of a Commissioner's Court on *certiorari*. The ground on which our correspondent insists as being sufficient to quash the proceedings of the lower court is that the witnesses were not sworn on the Holy Evangelists, but on the *Paroissien Romain*. A technical difficulty to giving effect to the objection, even if it were a valid one, probably existed in the absence of anything on the face of the record to show the nature of the book used by the person administering the oath. But L. X.'s question goes further. He asks whether "an oath taken on the *Paroissien Romain* is valid in the eye of the law." We have no hesitation in saying that such an oath is binding both morally and legally. We remember having heard the late Mr. Justice Panet, a man of the highest integrity, explain this very question. We do not now remember how it was raised, but the learned judge explained that the binding nature of the oath depended on its being a solemn undertaking to tell the truth, that the particular form of it was of no kind of importance, that it was prescribed by no law, and that it varied in almost every country in the world. He also remarked that the kissing the book was only the visible sign of adhesion; but that it was not of the essence of the oath; and that this sign might be given in any way which conveyed an acquiescence in the terms of the solemn undertaking. As an illustration of this we may instance the mode of swearing witnesses in the Scotch Courts, where no book is used. There the witness holds up his hand and repeats the words of the oath. The Jews, too, in our Courts here, swear on the Old Testament, and with their hats on. As there is no special law here for the Jews in this matter, if L. X. be right that the oath is not valid unless the person be sworn on the Holy Evangelists, then the Jews never testify in our Courts under oath. We do not think it wise on the part of Magistrates and Commissioners to make such innova-