

The Legal News.

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RUSSELL & LEFRANÇOIS.

In the case of *Russell & Lefrançois*, (5 L. N. 81), the judgment of the Court of Queen's Bench has been reversed by the Supreme Court, Chief Justice Ritchie and Mr. Justice Strong dissenting. The Respondent had the opinion of seven judges in his favor, including the Chief Justice of the Superior Court, the Chief Justice and Judge Strong of the Supreme Court, and yet was unsuccessful. The winning party had in her favor the four (or at least three) junior Judges of the Supreme Court and the Chief Justice of the Queen's Bench, making five, (if the six judges sat in the Supreme Court.) The case involved the validity of a will depending on the sanity of the testator.

A QUESTION UNDER THE ENGLISH LICENSE LAWS.

The Sheffield Justices are said to have been greatly perplexed by a case which lately came before them. A sharp-eyed policeman having seen a young woman leaving a public-house with a small jug of beer in her hand, some minutes after lawful hours, the publican was summoned for infringing the law. His counsel pleaded that the beer was not sold at all, but was a free gift, and in that case no offence had been committed. The young woman was employed all day at the public-house, and took her meals there, returning home late at night. On this occasion she preferred to save her supper beer to carry back with her, and this formed the contents of the jug discovered by the policeman. It was scarcely attempted to be denied that this representation squared with the facts. Then arose, however, another question—should not the supper beer be considered a portion of the girl's remuneration, and therefore bought with the labour of her hands? In that event there would have been a "sale" in a certain sense, and as the liquid was carried away after hours, the offence would have been committed. On the other hand, it was argued that, even admitting the jug of beer to be part payment for services rendered, the transaction was com-

pleted at supper time. Besides, has not a publican the right to pay his employees at any hour, day or night? The magistrates, it is said, were so puzzled by these conflicting considerations that they let the defendant off, but saved their dignity by giving him "a caution,"—the caution, we suppose, being equivalent to the legendary verdict: "Not guilty—but don't do it again!"

THE OATH OF WITNESSES.

An opinion was delivered, Dec. 30, by Judge Briggs, in the Court of Common Pleas, Philadelphia, in which he held that atheists and all others who do not believe in a divine Being and divine rewards and punishments are incompetent to take oath in a court of justice. The matter was brought up on a motion for a new trial in the suit of *Lucas* against *Piper*, the ground for the motion being that Judge Briggs had admitted the testimony of Robert Becker, who said that though he believed in the Creator of the universe and in a supreme power which would punish him here for false swearing, he did not believe in God as commonly understood by the people, nor in a personal God, nor God as an entity. There was no other evidence in support of the objection to the witness. "Something more is required to render one competent as a witness," said the judge, "than a belief in a supreme power simply as a power or principle, which may be the resistless natural laws as exhibited by the motion and operation of the elements, and to violate which will surely bring punishment here to the transgressor. The belief required by our laws is a belief in the existence of an omniscient being, who will impose divine punishment for perjury either in this world or in the next. If the belief be short of this it falls under the ban of legal condemnation." After citing several authorities to sustain his ruling, Judge Briggs continued: "It hence follows that the faith of a witness should be a religious belief of some kind in the existence of an omniscient being who will reward and punish either here or hereafter for good and evil doings—a belief in a power as exhibited by the force of nature and calling it supreme, and yet to ignore that that power is the handiwork of the omniscient and omnipotent God, is totally insufficient to meet the law's requirements. Nor