

EDITORIAL NOTES—IMPEACHING THE CREDIBILITY OF WITNESSES.

several gentlemen having patents appointing them Queen's Counsel, made application to the Court of Sessions, in Scotland, that their patents might be recorded "in order to give them due precedence at the bar." But the Lord President said as there was no inner and outer bar, he did not see any reason for the Court taking special cognizance of their appointment. This indicates what will, perhaps, be found to be the true view of the Queen's Counsel question, which has been so much perplexed by the deliverances of some of the judges of the Supreme Court at Ottawa, in *Lenoir v. Ritchie*, 3 S. C. R. 575. The dignity is not in the nature of a degree like that of Sergeant-at-Law, which confers social precedence, and is therefore a *status*, the creation of which emanates from the Crown as the fountain of honour. It is simply an appointment which may give the right to precedence in the courts by the grace of the judges. But upon them it depends, and they may or may not choose to recognise the holder of the patent, and may or may not choose to call him within the bar.

We have received, but too late for review in this number, several new law books by Canadian authors:—*Surrogate Practice*, by Mr. Alfred Howell; *The Law on Bills of Sale and Chattel Mortgages*, by Mr. John A. Barron, and *The Indictable Offences and Summary Convictions Acts*, by Judge Stevens, of New Brunswick. At present we can only say they reflect credit on the publishers, Carswell & Co. The last-named volume is, as regards type, paper, and general appearance, equal to anything published by the best houses in England.

In addition, we have before us Mr. O'Brien's annotations on the Division Courts Act of 1880. The notes seem

very full, and will be a useful addition to his previous work, which was so well received by those interested in these Courts, which are beginning to encroach rather too hugely on their more sedate brethren.

We are in receipt also of No. 6 of the third volume of Supreme Court Reports. We notice a marked improvement in the current volume over the previous ones. It is to be regretted that Mr. Justice Fournier's judgment in the Great Seal case is given in French only, a language all ought to be familiar with, we grant, but the contrary, unfortunately, is the fact.

IMPEACHING THE CREDIBILITY OF WITNESSES.

Lord Denman used to say that law was susceptible of being classified under three heads—(1) Statute law; (2) Case law; and (3) Law taken for granted. A remarkable example of this last division may be found in the usual *nisi prisi* rulings of the present day, touching the questions which may be asked when a witness is called to impeach the credibility of another witness. It is usually assumed that the end can only be properly reached by means of a gradation of interrogatories: thus, (1) Do you know the character of the witness for truth and veracity in the neighbourhood where he lives? (2) Is that character good or bad? (3) From your knowledge of his character, so obtained, would you believe him on oath? It does not appear, however, from the authorities that this is by any means a correct view of the law. If we turn to Fitzjames Stephens' "Digest of the Law of Evidence," we find it stated that the credit of any witness may be impeached by the adverse party by the evidence of persons who