

Some years ago a judge in one of the County Courts in England became satisfied that the plaintiff in a civil case tried before him had committed perjury, but the judge shrank from committing the witness for perjury and took the course of sending a copy of the evidence to the director of public prosecutions with a representation that in his opinion the plaintiff had committed perjury during the hearing of the case. In doing so the judge stated that although the statute empowered him to commit the plaintiff for trial at the next assizes without the necessity of any examination before a magistrate, yet it would be far more satisfactory to him that the criminal charge should be investigated by an independent tribunal in the ordinary way and he did not therefore exercise this power.

Other English judges are inclined to follow this course rather than resort to the extreme power conferred by the statute. Moreover it might be found on a thorough investigation, that even if perjury had been committed, a conviction could not be obtained, and this important fact, the ascertaining of which would save an expensive and abortive trial, could more readily and more appropriately be ascertained by a director of public prosecutions or an Attorney-General than by one of the judiciary, who, while considering that there was "a reasonable cause for such prosecution" upon the evidence before him, would also know that such evidence would usually require to be greatly strengthened by corroborative evidence in order to secure a conviction. Would it not be better to add to the section in question a provision which would direct the judge at his option or upon request of either party to take the alternative course of sending the evidence to the Attorney-General so that the Crown might institute a thorough investigation and assume the responsibility and expense of any prosecution, from its initiation?

But while the fear of legal punishment for perjury is in many cases a better security for truth than the fear of punishment in the next world, there are, nevertheless, many witnesses who are influenced by the latter consideration. An eminent authority has stated that the design of the oath is not to call the