

ALMANACS AS EVIDENCE.

evidence to satisfy the jury of the same fact?

In *Sisson v. Cleveland, etc., R. Co.*, 14 Mich. 497, it was held, Cooley, J., giving the opinion, that newspaper reports of the state of the markets are receivable in evidence. The learned judge remarked: "Courts would justly be the subject of ridicule if they should deliberately shut their eyes to the sources of information which the rest of the world relies upon, and demand evidence of a less certain and satisfactory character." The reason in favour of the mathematical demonstrations recorded in the almanacs is much stronger than that in favour of the comparatively inexact and discordant reports of newspapers, dependent solely on hearsay.

In speaking of books of exact science, Wharton says (Ev., § 667): "The books containing such processes, if duly sworn to by the persons by whom they are made, are the best evidences that can be produced in that particular line. When the authors of such books cannot be reached, the next best authentication of the books is to show that they have been accepted as authoritative by those dealing in business with the particular subject."

In *Morris v. Hanner's Heirs*, 7 Pet. 559, it was held that although historical works are evidence of ancient occurrences, which do not presuppose the existence of better evidence, yet if the facts related by a historian are of recent date, and may fairly be presumed to be within the knowledge of many living persons, then the book is not the best evidence within the reach of the parties. But there is a great difference between matters of historical difference and mathematical certainty; between the accounts of the late civil war by Mr. Jefferson Davis, or Mr. Pollard, on the one hand, and Gen. Badeau or Gen. Sherman on the other, and the tables of the tides, an almanac, or the multiplication tables. We

agree with the annotator of the Maryland case in the *Criminal Law Magazine*, that "we govern our daily life by reference to the computations of the almanac, and these computations are more satisfactory to us than the computations of persons who have actually observed the events predicted by such computations. The world at large regards the statement of an almanac in regard to the hour of sunrise as more certain and satisfactory than the recollection of individuals. A rule which would exclude the evidence of an almanac is too narrow and technical to find favour in modern jurisprudence." It would be almost impossible, in a great majority of cases, to prove, by human testimony, the precise hour of the rising or setting of the sun or moon on any particular day a number of years, or perhaps even a few months, ago. To ascertain an individual who happened to observe and note it, would be like hunting for a needle in a haystack. If the English judges are determined to wait until the church shall recognize the fact that science has predicted these occurrences for many years in the past, and shall conform her prayer book accordingly, they are welcome to do so, but for us a Poor Richard's Almanac is much better practical evidence on such subjects than the prayer book. The church has always been slow to accept the demonstrations of science; witness the cases of Gallileo and Columbus. Perhaps the English judges may regard a scientific discovery several centuries old as "recent," but it seems old enough for acceptance by courts of justice without waiting for the bishops. A knowledge of the times of the rising and setting of the sun and moon may be of no consequence to the church, but it frequently is important in worldly affairs, and laymen will take the most convenient and certain means of acquiring it.—*Albany Law Journal*.