nor is it made to appear that they were made by him in the discharge of his duty, and that he is dead. The Imperial Act 7 & 8 Vict. ch. 81 (Ire.) does not apply to marriages of Roman Catholics. And in order to render the register admissible it was necessary to shew either that a public duty was imposed on the person making the entry, or that he made it in the course of his business, and to prove his handwriting and death. . . .

[Reference to Lyell v. Kennedy, 56 L. T. 647; Malone v. L'Estrange, 2 Ir. Eq. R. 16; Dillon v. Tobin, 12 Ir. L. T. R. 32; Ryan v. King, 25 L. R. Ir. 184; Riggs-Miller v. Wheatley, 28 L. R. Ir. 144.]

None of these prerequisites were shewn in this case, and the register ought not to have been before the jury.

Without it the jury could well conclude, as they have, that defendants, upon whom lay the onus of shewing an untrue statement, failed to prove it.

It may be that, even with the register before them, the jury were not wholly unreasonable in coming to the same conclusion.

But however that may be, defendants, having themselves introduced and pressed the admission of the register as evidence, cannot complain if the jury have come to a conclusion quite warranted by the evidence outside of it. Nor can they reasonably object to the principle of Rule 785 being applied in plaintiff's favour. As it turned out, no substantial wrong or miscarriage has been occasioned by the reception of the evidence. . . .

The answer of the jury to question 4, though not categorical, is in substance a distinct negative of defendants' allegation that the answer of the deceased with regard to abscesses and open sores was untrue. The question put to the deceased was: "Have you now or have you ever had any of the following complaints or diseases? Abscess? A. No. Open sores? A. No." If, as the jury find, he had only a simple sore before that time, and not even that at the time of the application, then these answers were quite true, for he had not at the time and never had the disease of abscess or open sores. By their answer to this question, as well as by their answers to the next two questions, the jury shew that they understood that the sore with which the deceased was afflicted prior to the time of the application was the sore spoken of by Dr. Maclean, and that it was not the disease of abscess or open sores, but was a simple sore which was not present at the time of the application. The jury do not find