could be read in evidence. Their testimony had been taken in India by commission, granted, on application, by the Chancellor, and had been sworn to in the way peculiar to the Gentoo religion. The objection to the evidence was taken on behalf of the defendant, by that very Atkyns who reports the case, and upon whom, as Lord Hardwicke's reporter, is reflected some of the lustre which surrounds the memory of that great Judge. For the plaintiff, and against the objection, were Sir Dudley Ryder, then Attorney-General and afterwards Chief Justice, and Mr. Solicitor-General Murray, better known to posterity by the distinguished name of Lord Mansfield. The arguments of counsel and the decision of the Chancellor and the common-law Judges, whose authority he called to his assistance, are full of learning and wisdom. The opinion of Lord Coke, mentioned above, and chiefly relied upon by the defendant, was overruled, and a doubt discreditable to the law of England was set at rest. The views of Lord Hardwicke have been in part given above. In the case of *Atcheson* v. *Everitt*, Cowp. 389; Lord Mansfield thus alluded to that decision: "It has been truly said that since the case of *Omichund* v. *Barker* (and another case of great authority determined since) the nature of an appeal to heaven, which ought to be viewed as a full sanction to evidence, has been more fully understood. I there argued, and the Judges in delivering their opinions agreed, that upon the principles of the common law there is no particular form essential to an oath to be taken by a witness. But as the purpose of it is to bind his conscience, every man of every religion should be bound by that form which he himself thinks would bind his conscience most." These great opinions were at length adopted by the Legislature, and embodied in Imp. Stat. 1 & 2 Vic. cap. 105, which enacts that an oath, to be binding, must be administered according to the forms and ceremonies which the witness declares obligatory on himself.

Since, then, it was long ago established that our common law, in respect of evidence, is not more barbarous than the laws of antiquity, a magistrate need have no hesitation in accepting a witness not entirely orthodox, whether he calls for the Koran or smashes a saucer. In the case of the priest and the Douay Bible, it is surely not sophistical to say that the form of the oath would not have been violated if he had been permitted to exercise his own discretion. The oath is to be taken "by touching the holy Gospels." Since neither the "authorized version," nor the translation of the Douay College, profess to present the exact originals, the occasional difference of an idiom or a reading will not deprive the one of the sacredness necessary to confirm an oath, which the other possesses. The priest's candour in declaring his scruples is commendable; but the whole circumstance suggests an unpleasant reflection. Amongst the great number of witnesses who kiss the Protestant Bible in our courts, there must be many of the Romish faith. How many, unprincipled or fanatic, untroubled by the scruples which affected the conscience of the London priest, make the supposed necessity of conforming to a ceremony which ignorance and superstition whisper is not binding, a convenient excuse for perjury?

SELECTIONS.

THE ELECTION LAWS.*

The coming year of 1872 will be one of much importance to the Dominion. The first Parliament will have closed its career, and the people will be called upon to choose those to whom they desire the public affairs shall be entrusted. The machinery of government applicable to a large confederation having been devised and set up by the Parliament which shall have passed away, the approval or condemnation of its acts must be submitted to those from whom, under our English constitution, the power emanates. No uniformity in the mode of selecting the representatives to the House of Commons having been agreed upon by Parliament, the selection will be left to each Province, to be made according to its own laws. By an Act passed at the last session of the Dominion Parliament, 34 Vic. c. 20, entituled "The Interim Parliamentary Elections Act, 1871," and to be in force for two years only from the time of its passing, section 2, it is declared: "The laws in force in the several Provinces of Canada, Nova Scotia and New Brunswick, at the time of the Union on the 1st of July, 1867, relative to the following matters, that is to say, the qualifications and disqualifications of persons to be elected or to sit or vote as members of the Legislative Assembly, or House of Assembly, in the said several Provinces respectively; the voters at elections of such members; the oath to be

* We reprint this article, from *La Revue Critique*, as interesting at the present time, and as it gives information as to the law on the subject in the sister Provinces. We have not, however, examined it with the view of seeing how far the writer is correct in his statement of the law in this Province.—EDS. L. C. G.