Had it occurred to that great jurist, when he used these words, that oaths in general might be dispensed with altogether, the very same view he must have applied to the entire class, which he held with reference to the limited and extraordinary class then under his consideration. Perhaps, too, the earnest student of our great English jurist would discover that he questioned the utility of all oaths.*

The opinions, however, of great jurists need hardly be quoted for judges and juries who are supposed, next after the witness, to be impressed with the oath taken by him, throw aside altogether the consideration that the evidence has been sworn to; and in their decisions they are wholly guided by the credibility of the facts, which, in their eyes, receive no additional confirmation from the oath, nor does the oath, on the other side, lend to the opposing statements any strength whatever. And this seems to have been always the case, for we find one of our oldest law books in ordinary use, speaking of the "demeanor of a witness and his manner of giving evidence as oftentimes not less material than the testimony itself."†

Our lives and properties are not protected by the oath, nor does its imposition affect the conscience; on grounds of expediency therefore it fails to be serviceable. Moreover, we have seen that the interests of truth generally are prejudiced by the fictitious importance attached to an oath. On an examination of the question, then, both negatively and positively, the conclusion is forced upon us that public policy demands an alteration in the swearing laws. There is hardly a sin against society which is not referable to a disregard of truth; society may make laws to punish and deter, but the root of the evil remains untouched; we lop off branches and hope to preserve the dying tree; it is useless, the old story repeats itself. Let us follow however in the footsteps of an enlightened religion, and proclaim the securing of truth to be the great object of earthly laws. By truth we do not mean the metaphysical mirage often discoursed upon, but real, earnest, substantial truth, that we can lay hold of, and assure ourselves that this fact is real and that one indisputable, that this man's word is his bond and that man's honour unimpeachable.

Let it be our object to secure truth in all relations of life, and then will be attained the end of all laws—that men should live happily together.—*Law Magazine.*

* Bentham, Evidence, bk. 2, c. 6.
† Starkie, Ev. 547, 822, 4th ed.

MAGISTRATES, MUNICIPAL, INSOLVENCY, & SCHOOL LAW.

NOTES OF NEW DECISIONS AND LEADING CASES.

NEGLIGENCE — FILLING UP HOLE IN STREET— By an English act, the owner or occupier of land is empowered to break up so much of the pavement of any street as is between the main of the water works company and his premises, to effect a communication therewith, and such communication is to be made under the superintendence of an officer of the company.

Where an owner, acting under this power, opened a street to lay a service pipe, and carelessly filled up the hole, and the connexion with the main was at the same time effected by a water works company.

Held, that the owner, and not the company, was responsible for reinstating the street, and that the word "pavement" was not confined to foot pavement. — *Glover* v. *The East London Water Works Co.*, 16 W. R. 310.

PERJURY—MATERIALITY — EVIDENCE TENDING TO CORROBORATE THE WITNESSES' AVERMENT AS TO THE CARDINAL POINT AT TRIAL—CREDIT.—On the trial of S. for a robbery with violence, which the evidence went to show had been committed at 8.45 p.m., the prisoner was called as a witness for the defence, and was subsequently indicted for perjury in falsely stating on that trial, 1st, that on the day of the alleged robbery, S. came to a certain house at 8.30 p.m., and did not go out again that evening; 2ndly, that S. had lodged in that house for the two years last past; 3rdly, that during the whole of that time S. had never been absent frem the house for more than three nights together. Having been convicted of the perjury assigned upon the last two statements.

Held, that those allegations were material on the trial of S., as they tended to corroborate and induce the jury to give a readier belief to the other evidence of the prisoner upon the cardinal point at that trial.—*Reg.* v. *Thomas Tyson*, 16 W. R. 317.

MANSLAUGHTER—ACCELERATION OF DEATH BY ACTS OF DECEASED—CAUSA CAUSATI.—Deceased, immediately after being struck by the prisoner, had walked two miles to the police barrack, and ridden home a distance of four miles the next morning. The doctor stated that the reaction caused by this walking and riding accelerated the death of deceased; that but for such exertion deceased would have had a better chance of recovery; that deceased died of compression of