Erskine was engaged, an important witness, called against him, without claiming to belong to any particular sect, declined to take the usual form of oath. He would hold up his hand and swear, but would not kiss the book. Being asked his reasons for objecting to do so, he answered, "Because it is written in the Revelations, that the angel standing on the sea *held up his hand.*" "This does not apply to your case," said Erskine, "for in the first place, you are no angel; and secondly, you cannot tell how the angel would have sworn if he had stood on dry ground, as you do." On this occasion, Lord Kenyon, having taken counsel of Lord Chief Justice Eyre, ruled that the scruples of the witness should be respected, however absurd the ideas on which they were grounded, and he should be allowed to swear as he pleased, without the necessity of belonging to any particular sect.

The "Heathen Chinee," it is said, adds solemnity to his asseveration by dashing a saucer to the ground: *R.* v. *Entrehman*, C. & M. 248. In China, the "Commissioners for taking affidavits," if they have to furnish the implements for depositions, must find that branch of their practice as little profitable as those of our own country.

The native of Hindostan, who is of the Gentoo religion, swears in the presence of a Brahmin, abasing himself and touching the foot of the priest. This recalls the custom of the "monks of old," who sealed their oaths by kissing the abbot's foot. As for the father abbot himself, his simple assertion passed for gospel truth.

To look back to times still more distant, the ancient Romans, as we learn from Cicero's 7th Epistle ad Familiares, i. 12, when they took an oath, dropped a pebble to the ground, imprecating upon themselves the anger of Father Jove, and ejectment as certain as that of the stone, if they wittingly deceived. "Sci sciens fallo, tum me Diespiter, salvâ urbe arceque, bonis ejiciat, ut ego hunc lapidem."

The Moslem lays one hand flat upon the Koran, and places the other on his forehead. He then bends his head till his forehead touches the sacred volume, and again lifting his eyes, gazes for some time steadfastly upon it: *Fachina* v. *Sabine*, 2 Str. 1104; and *Morgan's Case*, 1 Leach C. C. 64.

As a last example, the Jew swears upon the Pentateuch, "tacto libro legis Mosaicæ," which, it has been said, forms his "evangelium."

(To be continued.)

SELECTIONS.

THE LAW OF DISTRESS.

It has been said that no subject has given rise to more legislation than that of distress: 3 Reeves' English Law 555 n. (last ed.). We may safely affirm that there are few branches of the law in which legislation is more urgently required. We need hardly remark that this state of things is a perfectly natural result of our system in framing legal procedure. Instead of inventing an original remedy, we usually prefer to give a new scope to an old process. Instead of revising the details of such process, we leave them untouched until their inconvenience becomes intolerable. A measure is then hastily passed to redress the most pressing grievance, but no attempt is made to remove less obvious anomalies, or to bring the ancient remedy into complete accordance with the wants and ideas of the modern society. Of this method of legislation the law of distress affords an admirable illustration. Originally derived from the Gothic nations of the Continent: (Spelman Gloss: tit. Parcus, p. 447;) this process was employed by our Anglo Saxon ancestors to compel the appearance of a debtor in court. Under a law of Canute, passed to prevent the unfair exercise of this power, the defendant was to be thrice summoned to submit to the judgment of the hundred, and a fourth day of appearance was to be fixed by the shire; after which, if the misguided man still continued contumacious, the complainant might seize his goods: 1 Palgrave's Rise, &c., of the British Constitution. 180. From a very early period, by the custom of the realm, as Fleta tells us, a man might seize and impound beasts which he found trespassing upon his land, until he received compensation for the injury: Fleta, 101. After the introduction of the feudal system, distress became the ordinary means of compelling tenants to perform the services and to pay the fines and amerciaments incident to their tenure: Britton, liv. I, ch. 28, 58. The barons found the seizure of the tenant's goods a more speedy and effectual mode of obtaining satisfaction than the forfeiture of his feud. Moreover they discovered in the new remedy an instrument of oppression of which they were not slow to avail themselves. They distrained for illegal fines and customs not really due; stripped farms of the whole produce, seizing goods of great value for the smallest service, and drove the chattels and cattle distrained into their castles to prevent them from being restored upon replevin. The Sovereign did not neglect this method of supplying his needs. The records of the Exchequer relate that on one occasion the burgesses of Gloucester paid a fine of three hundred lampreys that they might not be distrained to find the prisoners of Poictou with necessaries "unless they would do it of their own accord:" (Madox's History of the Exchequer, chap. 13, p. 507.)

To remedy these evils a series of statutes