

or punish them in this world or the next, cannot be witnesses in any case, nor under any circumstances." The jury had found that Mr. B. had no belief in a Supreme Being, and was a person upon whose conscience an oath, as an oath, had no binding force. And it was, therefore, held that although he "may have taken something which binds him according to his own feelings . . . that is not what the Act of Parliament requires. It requires an oath; and he has not taken an oath."

If this reasoning be permitted it will have a far-reaching effect. It will be observed that the point of the decision is this:—Admit for the purposes of argument, that a member of Parliament, observing all the proper formalities, has assumed to take the usual oath, and no one has for months questioned his right to vote, he may, nevertheless, be sued for the penalties and be mulcted if it can be shown that his religious belief was defective. The decision is well calculated to add a new terror to indulgence in political life. There are, probably, a good many members of the British House of Commons who could not successfully defend themselves in such an action. It involves this also, that a witness in any case may take an oath, swear falsely, and escape conviction for perjury if he can show that his belief was not up to the legal standard.

If this were the only point in the case we should expect to see it reversed in the House of Lords. On the other ground, however, that the rules of the House did not permit the taking of the oath in the manner adopted, the decision may probably be upheld. It would be clearly insufficient for a member to stand up in his place, while other business was proceeding, and after mumbling some words to say that he had taken the oath. And in the present case the proceedings were equally informal.

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