culation of the blood was treated with derision, and cost that eminent physician a large portion of his practice, and that Jenner's discovery of vaccination was denounced by his own profession as empirical, and by the clergy as wicked. And outside of his own profession, in science, government, theology, and morals, he would have seen substantially the same thing—one discovery treading quickly upon the heels of another; one conventional opinion after another giving way before the spread of learning and the advance of science. From his own experience in various researches, the testator probably realized the importance and value to educated men of a public library which should place within their reach such books as are not readily accessible. With a desire to promote temperate, sincere and intelligent inquiry and discussion, he imposes no restriction upon the character of the books, except that they shall not contain either ribaldry or indecency. He would make his library a place where the student, whether of science, government, or theology, could find the information for which he longed. His recommendation in regard to books was negative merely. Beyond his own writings, he directed no book to be placed upon the shelves. This is as true in regard to theology as to any of the other subjects mentioned. It can hardly be said that the interests of Christianity and sound morality require that the student of theology shall be debarred access to all books that may be regarded as objectionable from an orthodox standpoint. He is best armed to defend Christianity who is familiar with the arguments against it. To enforce such a rule would exclude from this library a vast amount of the choice literature of the past, the works of authors who merely wrote according to the light of their day and generation. We may now safely enjoy all that is good of their writings. The world has outgrown their errors."

The North Carolina Supreme Court has held that dogs are not the subject of larceny in that State. (81 N.C. 527.)

Rochester, N.Y., claims to have the oldest practising lawyer in the world—Azgill Gibbs, who in a few days will be 93 years of age, and is still hale and hearty, and actively engaged in professional work.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

[CROWN SIDE.]

Montreal, April 22, 23, 1880.

RAMSAY, J.

REGINA v. LEONARD.

Perjury—May be assigned upon deposition taken by sworn stenographer, though it did not appear that there was any consent of parties that the evidence should be taken by a stenographer—Amendment of indictment.

The defendant was indicted for perjury in a civil suit. The deposition of the defendant was produced. It was taken by a stenographer, and it appears by the *plumitif* that the stenographer was sworn; but it appears also, that there was no demand in writing by either of the parties that the evidence should be taken by a stenographer, and no deposit of the necessary fee, nor any consent of the parties that the evidence should be taken by stenography.

Prevost, on the part of defendant, urged that the deposition was not taken according to law, and the case of the *Queen* against *Martin** was cited. It was also urged that there should be a certificate of the swearing of the stenographer.

RAMSAY, J., thought the *plumitif* was the proper record of the administration of the oath to the stenographer. On the other point, he remarked that the case of Martin was decided on a principle totally unlike that raised in this case. There the Prothonotary had no authority to swear the witness without the consent of the parties in writing. This consent was wanting, and therefore, the prosecution failed. Here the witness was sworn by the Judge in open Court, and, therefore, by competent authority; and the only thing that could be said was that an immaterial form, or a form only important in order to provide for the payment of certain costs, had been omitted. The Court is, therefore, of opinion that the objection is invalid; but as there was an irregularity, the point will be reserved, if there is a conviction.

The civil suit was described as a case between *Emilie Lamoureux* v. *David Lamoureux*. The real title of the case should have been *Emilie Lamoureux* against *Didier Lamoureux*. This

* 21 L. C. J. 156.