inclines the jury to believe that it was against his (Valer's) desire that the place was kept open and articles sold."

We are glad that our lot has fallen in a country where a Judge Ludlow has not taken root. But even this curious specimen falls far short of the familiar charges and quaint illustrations with which that good, old-fashioned, honest judge, Mr. Justice Burrough, was wont to elucidate the technicalities of counsel for the benefit of the jury. He once began an address to them after this fashion: "Gentlemen, you have been told that the first is a *consequential issue.* Now, perhaps you don't know what a consequential issue means, but I dare say you understand ninepins. Well, then, if you deliver your bowl so as to strike the front pin in a particular direction, down go the rest. Just so it is with these counts;—knock down the first, and all the rest will go to the ground. That's what we call a consequential issue."

The third and last specimen of judicial expression we cite is taken from an Illinois case, decided by Williams, C. J., in the Circuit Court of Cook County, in June of this year. Therein it became necessary to decide whether a cemetery was a nuisance, so that the State could interfere with a cemetery corporation, and the court thus rhapsodizes on the theme:

"Cemeteries are not only a necessity, but the civilization and culture of this age demands cemeteries ample and attractive, selected with reference to natural scenery as well as convenience; where art many vie with nature, and taste supplement capital in rendering the spot a beautiful home for our dead. Such places cannot be secured except by the lavish expenditure of money and the employment of skilled labor, and this necessitates the creation of cemetery corporations.

"The cemeteries in the vicinage of our large American cities, beautified and ornamented as as they are by the application of taste and capital, have become favourite resorts, not only to the many who have deposited in them their dearest treasures, but to other thousands who visit them to enjoy their scenery and be refreshed in their shade. On Sundays and holidays they serve as public parks for the lovers of natural beauty, while others are drawn to them by a stronger love. Instead, therefore, of interfering with the health, welfare and comfort of society, they actually greatly enhance these, serving also for the necessary object for which they were more immediately designed."

One would search in vain through the English or Canadian reports to find a passage at all equal to this in rhetoric. Something approaching it might be culled from the Irish Bench. But the only thing we happen to know fit to be cited in the same page is another effusion of another American judge.

"None but themselves can be their parallel." Strange to say it was suggested by a similar funereal subject, and may be found reported in *The Commonwealth* v. *Viall*, 2 Allen 512, upon an indictment against the defendant for cutting down trees in a burial-ground. Mr. Justice Hoar, in delivering the opinion of the Court, observes, "The growth of these trees may have been watched with affectionate interest by friends and relatives of the departed, whose last resting-place has been made more pleasant to the imagination of the survivors, by the thought that it might become a resort of birds, and a place for wild-flowers to grow; that waving boughs would shelter it from summer heat, and protect it from the bleak winds of the ocean. The fallen leaf and the withered branch are emblems of mortality; and in the opinion of many, a tree is a more natural and fitting decoration of a cemetery than a costly monument."

It is time to close our rambling observations. If judges would more closely follow the lead of Williams, C. J., and Hoar, J., we should find that the favourite sea-side authors, companions of summer stollers, would cease to be Tennyson and the rest of the poetical tribe in blue and gold; the reporters in law-calf arrayed would come into well-deserved pre-eminence. Let the American judges imitate Baron Alderson. If they feel poetic stirrings, let them exhale the divine afflatus into other receptacles than "the judgment of the Court."

LAW OF EVIDENCE.

There is this session before the English House of Commons a bill for the amendment of the Law of Evidence, many provisions of which will prove suggestive to Canadian lawyers and legislators. By it, accused persons would be competent, but not compellable, to give evidence. As we lately noted, such laws are becoming common in the States, and with certain limitations they may possibly work well.

It provides also that husbands and wives, in every proceeding, both civil and criminal, are to be competent and compellable to give evidence for or against each other, provided that any communication made by husband or wife by the other during marriage shall be