of the quaint epitaph, said to be inscribed on a Connecticut tombstone:

"Shed not the tear for Simon Ruggle,
For life to him was a constant struggle;
He preferred the tomb and death's dark gate
To managing mortgaged real estate."

The appeals set down for hearing before the Supreme Court during the last three terms were provided by the different Provinces in the following proportions:—From Ontario, 25; from Quebec, 16; from the Maritime Provinces, 23. We are not in a position to say what proportions these numbers bear to the volume of litigation in each, nor to the number of cases sent by each to England, but taking Ontario as the mean, the number from Quebec seems small, and that from the Maritimes would appear to be large. We might suppose that a delicate compliment is thereby intended to the Chief Justice of the Court.

We are indebted to the *Solicitors' Journal* for a note of a very important ruling in criminal practice which took place at the Leeds Assizes, upon the question whether a prisoner could both speak himself and have his counsel also to speak for him. Mr. Justice Hawkins, after conferring with Mr. Justice Lush, held as follows:—"I think that though there are *dicta* of individual judges to be found in the books that a prisoner when defended by counsel is not at liberty to make a statement to the jury, I ought not to be bound to any such *dicta*, because there is no decision of any Court of criminal appeal on the point. As a general principle a prisoner may make his statement, and give his version of the transaction in respect of which he stands charged. I shall, therefore, though counsel appears for the defence, admit the statement of the prisoners." In this, case after the end of their counsel's address, the prisoners made their statement to the jury. The *Solicitors' Journal* suggests that the better course would have been to allow the statement to be made first, so as to enable the prisoner's counsel to comment on it: 24 Sol. J. 266.

We have heard of several cases in Ontario involving questions of testamentary capacity, in which it seems to us that the judges have been too severe in commenting on the evidence of solicitors and subscribing witnesses who are called to prove the invalidity of the will. Many of the witnesses in such cases are unlettered men, who have no notion that they are doing wrong in attesting the instrument, though they may not be satisfied that the testator understands what he is doing. In cases of this kind the evidence is nearly always very contradictory, and for the guidance of solicitors we cite from the *Solicitors' Journal* the ruling of Mr. Justice Hawkins in a case lately tried by him. He says, "that when there is a doubt of the capacity, the more prudent course is for the lawyer to prepare the will, making also a memorandum of the state in which he found the testator. Supposing, he adds, a man has a large estate to leave, and desires to make a will, a solicitor may come in and say 'I take it upon myself to determine that this man is not in a fit state to make a will.' It is a question whether it would not be a great deal better for him to prepare the will, at the same time making a note that the man was not in a fit state to make a will." 24 Sol. J. 321.

Apropos of the late rising of the Ontario Parliament, we find a letter written by Charles Dickens to Mr. Rawlinson, C. B., which embodies views that would have been considerably intensified if he had enjoyed the privilege of life in the