

ject by a departure from usual and well-recognized methods there is always the danger of finding ourselves in dangers and difficulties greater than those from which we are trying to escape, and such might be result of grafting so democratic a branch upon the old trunk of British Parliamentary Government. In Australia, and in some of the States of the American Union, the referendum has been adopted for the settlement of disputed questions, but so far the trial has given no results that would be of any value, and the conditions are in many respects different from those which we have been considering. The system has been long an essential part of the Swiss constitution, but there again the conditions are altogether different, and the procedure is so complicated that it would never suit a body of British electors, and would make the British system of Parliamentary Government impossible. We therefore look in vain for any precedent to guide us in dealing with this new and interesting proposal, so entirely foreign to our present constitutional principles and practices.

EVIDENCE OF CONVERSATION BY TELEPHONE.

Whether the evidence of a bystander is admissible as to what was said at the telephone instrument, it being proved by the person speaking that he was holding a conversation with a party to the suit, was raised for the first time, we believe, in a Canadian Court in the case of *Warren v. Forst*, 22 O.L.R. 441, and the case affords an illustration of how the English law is moulded to suit new conditions of life as they arise. Of course no one can suppose that the common law could have expressly provided for evidence of conversations held at telephones, because until very recent years communications by telephone were unknown. But as modern inventions develop new methods of communication, the common law has to be developed to meet the new conditions. Our courts may soon have to consider how far the old maxim *cujus solum ejus est usque ad cælum* will have to be