

public cemeteries open to all denominations over all England—the whole subject, as stated, to the control of a Secretary of State and orders in Council, and this alone is enough to shew that allowing expropriation for such a great public and national system, cannot be invoked as authority in cases of denominational cemeteries here.

The length of this article already will not allow an examination of the elaborate provisions of these Burial Acts, which would furnish additional proof, if any were required, to support the pretensions I have urged.

The fact that a particular portion of the cemetery may be set aside for the national church does not affect the argument any more than does assigning different portions of the Municipal cemeteries in France to different religious persuasions.

In both countries there is a connection between State and Church that does not exist here—and in both the cemeteries still continue subject to the control of the public authorities and remain public or municipal property.

This article has been devoted chiefly to pointing out in some measure how devoid of authority we are on expropriation in the usual sources of our jurisprudence, particularly in old French Law, and that to cite simply and directly even from Modern French and English systems is to be led astray unless we take into account the differences of political constitution, of the relations between the State and the religious societies within it, and many other modifying circumstances, on all which intimately depends the law of expropriation, being wholly unlike in this respect mere private law which is comparatively independent of such circumstances.

The question of expropriation for cemeteries has been noticed mainly by way of illustrating this part of the subject. Without reverting to it again, the subject will be continued on the other two heads referred to at the beginning of this article.

NORMAN W. TRENHOLME.