

We cannot understand why superannuated ministers should even claim, much less be allowed, the privilege of doing ministerial work, or—what is sweeter to them—the privilege of exacting fees for such work. Can a Barrister practise his profession if not on the Roll of the Law Society? Can a member of Parliament expect to retain the franking privilege when he has been elected to stay at home? Can a retired military or naval officer, on his own motion, put on his uniform, attend the parade of a military force, and insist on exacting obedience from those whose rank was inferior to that he retired from, and then charge for his day's service?

To put an end to the operations of these ordained Canadian Gretna Green blacksmiths, I would respectfully suggest that registers be kept for each church or congregation or religious community in Ontario; that duplicate registers be kept in the nearest Court House, Town Hall or Post Office or Bank, as thought safest and best; and that the person who keeps the original register, or has charge of the same, shall keep the duplicate copy duly and regularly posted.

R. J. W.

Notes on Exchanges and Legal Scrap Book.

THE REJECTION OF HEARSAY EVIDENCE.

It may well be doubted if the extremely artificial rules of the admissibility of testimony before judicial tribunals have been productive of anything but harm. Had they never existed, a vast amount of learned case law built on unstable foundations, and much of it very doubtful common sense, would never have come into existence, and a great deal of injustice arising out of the application of these rules would not have been inflicted upon litigants. Until recent years there were two great branches of technical restrictions to testimony in courts of law which had no counterpart in common life. They were the Incompetence of witnesses themselves upon the ground of interest, and the Incompetency of parts of witnesses' evidence on the ground that it was hearsay. Both were based upon the same foundations: the distrust of the capacity of jurymen to detect falsehood, and the fear of the perjury of witnesses. The incompetency of witnesses on the ground of interest is now a thing of the past, except perhaps in the case of a prisoner and the husband or wife of a prisoner in criminal trials. These are, however, sometimes placed upon other grounds. We propose to consider whether the present system of rejecting parts of witnesses' testimony on the ground of hearsay ought not also to go. If there were at the present moment no rejection of hearsay in our Courts, and it were suddenly proposed to adopt the present extraordinary mass of technicalities which form the rules of evidence on the subject, such a proposition would probably meet with derision on all hands.

It is desirable to mention here that it is often said hearsay testimony is rejected on the ground that it is irrelevant. This is not a correct view, we venture to think, although justified by authority, for hearsay is often most relevant; in fact, any hearsay connected with the issues must be relevant, and to say it is