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 privileged. We would call attention to the decision, *Storey* v. *Veach*, 22 C. P. 164, where, in an action by husband and wife for an injury sustained by the wife (the husband being joined merely for conformity), it was held that the mouths of both plaintiffs were shut, while the defendant could, under our statute, give his evidence against them. In view of this decision, some amendment of the law of evidence, as it relates to husband and wife, would seem to be called for in this Province.

Another matter in the English bill is that a barrister, solicitor, attorney, or clergyman of any religious persuasion, shall not be bound to disclose any communication made to him confidentially in his professional character. Upon this, some correspondence has lately appeared in our columns. As regards privilege of clergymen, we understand there is a very important case now pending in the Court of Chancery (*Keith* v. *Lynch*), where one of the defendants, a Roman Catholic clergyman, refuses to disclose matters communicated to him in the confessional. It is not improbable that some of the questions raised, but not decided, in *Cullen* v. *Cullen*, and adverted to by Strong, V. C., in *Elmsley* v. *Madden*, 18 Gr. 389, touching the Treaty of Paris and the Quebec Act, will have to be decided in *Keith* v. *Lynch*.

Among other changes (some of which have evidently been suggested by Parliamentary