

he said now he had changed his mind and he would take his rifle with him to the swamp and run his chances. It would seem to be fairly clear that this was not evidence, but the fact of it not being so is a striking commentary upon the artificiality of the rules of evidence as administered by our courts. Nine hundred and ninety-nine out of a thousand would say, without hesitation, that a statement of this kind made by Emory immediately before his murder would be strong proof of who the murderer was.

Davis died as stolidly as he had lived; he showed no desire for life or fear of death. Mrs. Emory, it is said, haunted the vicinity of the gaol where Davis was confined until his execution. She afterwards married again.

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A contemporary relates the following incident which is worth noting now that attorneys have passed off the scene and solicitors have taken their place: When Lord Tenterden was Chief Justice a gentleman pressing into his Court, which was crowded at the time, complained that he could not get to his counsel. Lord Tenterden: "What are you, sir?" "My Lord, I am the plaintiff's solicitor." Lord Tenterden: "We know nothing about solicitors here, sir. Had you been in the respectable rank of an attorney I should have ordered room to be made for you."