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Appeals to the Supreme Court are being prosecuted with considerable activity at present. The last list comprised sixteen Quebec appeals, nearly every case in which the amount was large enough to give jurisdiction being inscribed. The list indicates a singular disparity between the business of the Quebec and Montreal divisions—only one appeal coming from the former, while fifteen appeals are from the latter. There were twenty-two cases from Ontario, eleven from the Maritime Provinces, and two Exchequer appeals.

An interesting question of *res adjudicata* was decided in a recent case of *Macdougall* v. *Knight* by the English Court of appeal. The action was for libel in respect of a certain pamphlet. The plaintiff had brought a previous action, which was dismissed, founded on other passages in the same pamphlet. The Court refused to allow the plaintiff to proceed with the second action, holding that the matter was *res judicata*, and that the new action was an abuse of the process of the Court.

The vacancy in the English Court of Appela caused by the retirement of Lord Justice Cotton has been filled by the appointment of Mr. Justice Kay, a judge of the Chancery Division. Robert Romer, Q.C., has been appointed a judge of the Chancery Division to replace Mr. Justice Kay.

A writer in the *London Law Journal*, referring to the subject of the capacity of the wife as a witness, gives some interesting facts showing the result of piecemeal legislation. "Here (he says) old legal fictions, resulting in curious limitations, are found to be in conflict with more modern views. It is still the existing rule that a wife may not give evidence against her husband in criminal cases except in proceedings under the Explosive Substances Act of 1883. But in a civil action the testimony of a wife can be received either for or against her husband. In this difference between the rules of evidence in criminal and civil trials there exists an example of the antagonism of the old rules of the Common Law with modern principles. Of course the inability of the wife to give evidence against her husband is a necessary consequence of the legal fiction that the legal existence of the wife was merged in that of the husband. Though based on this fiction, it has been strengthened by the idea that wives would be biassed in favor of their husbands, and that if they gave evidence it would, to use Coke's expression, be 'a cause of implacable discord and dissension.' This reason has certainly had much to do with the continuation of the rule, for it has a practical ring about it sufficient to enable many to believe in the value of the rule who would not be convinced by the common law theory. It has been repeated over and over again by judges and legal writers, but may always be traced back to Coke's dictum. Therefore, from the beginning of the reign of James I, a practical reason has been united with an old legal fiction which, without its more modern ally, would hardly have had strength to enable this particular rule to hold the field. It is interesting, before quitting this point, to notice shortly the progress of these changes. In 1846 the evidence of husbands and wives for or against each other was made admissible in actions in a county court. The curious aspect of this particular change is that the reform was introduced into the procedure of a class of law courts in which from the position of the litigants and from the general nature of the proceedings, there is more probability of false evidence being given than in the superior courts. But the rejection of such evidence would, in many instances, have greatly lessened the practical value of these tribunals. Three years later, a further inroad was made on the still existing rule, for in bankruptcy proceedings a wife was henceforth to be allowed to give evidence as to the bankrupt's affairs. She was, in fact, to be asked to give evidence which in many cases might be adverse to her husband's interests. But the Evidence