of existence. If they were only to be dispensed with in the cities, where competent magistrates are intrusted with the duty of committal, the question would be a simple one; but, as the rural districts are to be considered, it becomes complicated. We reprint elsewhere an article dealing with one of the evils of the system in England, which does not as yet exist here, but will when the Bill for payment of witnesses in criminal cases becomes law,—namely, the expense it adds to the cost of the administration of justice.

IN the Clements case, a point arose which is of no little importance. Mr. Kenneth Mackenzie, Q.C., did not conduct the case for the Crown, because he expected to be called as a witness. When so called, he objected to being interrogated, on the ground that it was sought to elicit from him facts and statements which had come to his knowledge in his capacity of Crown Counsel. The statements which it was desired to put in evidence were made by the prisoner himself to Mr. Mackenzie, and related to the case against Davis, then in Mr. Mackenzie's hands. These statements the prisoner (Clements) sought to give in evidence on his own behalf. It appears to us, that there should have been no hesitation on the part of Mr. Mackenzie about disclosing them. The rule that governs in these matters, was concisely laid down by Lord Chief-Justice Eyre, in *Hardy's case:* "It is perfectly right," said the Lord Chief-Justice, "that all opportunities should be afforded to discuss the truth of the evidence given against a prisoner; but there is a rule, which has universally obtained, on account of its importance to the public for the detection of crimes, that these persons who are the channel by means of which the detection is made, should not be unnecessarily disclosed." Now, it will be observed, that this rule is for the protection of the person who makes the communication. As in the case of other privileged communications, it may be waived by the person entitled to claim the protection. It seems to us, therefore, that when the person making the communication, a prisoner on trial for his life, invoked the disclosure for his own advantage, there need have been no delicacy in yielding to his desire. The Crown is surely not so wanting in tenderness for its subjects, as to insist upon such reticence on the part of its legal advisers.

PROLIXITY IN PLEADING.

WHERE pleadings at length are allowed, as in Chancery proceedings, some practitioners have adopted the slovenly course (to put it in the mildest way) of copying out all documents referred to *verbatim.* This is an abuse of the proceedings of the Court, and no doubt very often proceeds from a desire to make costs. We observe that the same sort of procedure (more honoured in the breach than in the observance) was recently brought under the notice of the English judges. An affidavit of inordinate length (388 folios) was filed, wherein it was alleged that a number of irrelevant letters were set out at full length. An application was made to Malins, V. C., to take it off the file for that reason; and a case was mentioned, in which the Master of the Rolls had granted a similar application, wherein the affidavit contained 1,133 folios. The Vice-Chancellor refused the application on the ground that it was impossible for him to judge of the undue length or the relevancy of the affidavit without reading it and the pleadings. But he said that the judge who heard the cause would be able to dispose of these matters, and could deal with the