

abled to have a view, which might in many cases be inconvenient or impossible. Rule 570 (Ontario) provides that a judge may inspect any property or thing, concerning which any question may arise in a case tried before him, or which comes before him on appeal. Rule 571 also provides for inspection by juries. In England it has been considered improper and unauthorized for a judge on the trial of an action of deceit to take a view of the property, on a question of colourable imitation—in that case the similarity of rival omnibuses was the point in question, and, of course, a couple of omnibuses would be hard to bring into court as exhibits; and it was held that the proper procedure was to take the evidence of witnesses: see *London General Omnibus Co. v. Lovell* (1907), 1 Ch. 135, and in an appeal from the High Court of Bombay, where an appellate court had at its own suggestion visited the locus in quo of an accident, which was the subject of the action, with the consent of the parties, and allowed an appeal, not on the evidence given at the trial, but on their own view of the facts derived from an inspection of the locality, it was held by the Judicial Committee of the Privy Council that the proceeding was irregular and the judgment based on it was reversed: *Kessowji Issur v. Great Indian Peninsular Ry.*, 96 L.T. 859. But the course which these cases condemn appears in Ontario to be expressly authorized by Rule 570 above referred to.

The practice of producing the offspring of an illicit intercourse in order to establish paternity was recently referred to by Mr. Justice Meredith: see *Rez v. Hughes*, 22 O.L.R., at p. 349, as being a practice unobjectionable in principle, notwithstanding the cold water thrown on it by Cameron, C.J., in delivering the judgment of the court in *Udy v. Stewart*, 10 Ont. 591: but it is quite apparent that unless the same evidence is adduced before an appellate court it has not before it all the evidence on which the court or jury have founded its verdict or judgment and are consequently to that extent not in the same position as the tribunal whose decision it is asked to review.