

the vendors could have no right of subrogation. The result therefore was that the vendors had no remedy against the owners of the settled estate, and their only right was a lien for their purchase money upon the land sold, as Byrne, J., had held.

PRACTICE—EVIDENCE—AFFIDAVIT—INFORMATION AND BELIEF, NOT STATING GROUNDS—IRREGULARITY—COSTS—RULE 523—(ONT. RULE 519).

In re Young Manufacturing Co. (1900) 2 Ch. 753, the Court of Appeal (Lord Alverstone, M.R., and Rigby and Williams, L.JJ.) in allowing an appeal made some observations on the affidavit evidence which had been used, and laid down the rule that affidavits on information and belief, but not stating the grounds, were not only irregular but worthless, and ought not to be looked at unless corroborated by affidavits in which the deponent speaks from his own knowledge, and Williams and Rigby, L.JJ., agreed that the costs of such affidavits should be disallowed both between party and party and solicitor and client.

WILL—CONSTRUCTION—EVIDENCE DEHORS THE WILL.

In re Grainger, Dawson v. Higgins (1900) 2 Ch. 756, the construction of a will was in question. The testator, after directing payment of his debts and funeral and testamentary expenses, bequeathed a specific legacy of £2000, and a number of other pecuniary legacies, and an annuity of £60, and he then concluded his will: "All the residue and remainder of the sum [of £13,187 lent on two specified mortgages], after payment of my just debts and funeral expenses, and the expense of proving this, my will, I give and bequeath to" three persons, canons regular of the Lateran. The estate, exclusive of the two mortgage debts, was insufficient to pay all the pecuniary legacies; and the question therefore arose whether the three canons were entitled to the whole balance of the mortgage debts after deducting the debts and funeral and testamentary expenses, or whether the mortgage debts were also liable for the payment of the pecuniary legacies. Stirling, J., thought the pecuniary legacies were not payable out of the mortgage debts, and Rigby, L.J., agreed with him. The other members of the Court of Appeal (Lord Alverstone, M.R., and Collins, L.J.), however, disagreed with this conclusion, and held that the mortgage debts were liable to pay the pecuniary legacies, which they held to be specific and primarily payable out of this fund, and that it was