Chapter of Westminster, 1 Y. & C. Ch. 103. He also referred to *Jones* v. *Monte Video Gas Co.* supra, and observed that the only distinction between that case and the present is that in the former the ground on which production was declined was that the documents were said to be not material or relevant to the action. Here the defendants said the documents relate solely to their case. But the practice indicates no distinction on this ground.

DENMAN, J., observed that in the absence of authority he would have favoured the view of Williams, J., but that the cases in Equity since the Judicature Act prevented the Court saying the judgment of the Judge in Chambers was wrong. He cited *Taylor* v. *Batten*, 4 Q. B. D. 85; Seton on Decrees, 4th ed. pp. 162, 163; *Jenkins* v. *Bushby*, 35 L. J. (Ch.) 400, as to meaning of word "title" and *Jones* v. *Monte Video Gas Co.*, supra, as to which case he said he could not agree with Williams, J., that it did not bear on the subject, but it is evident from the judgment that the Court laid down the principle that the party asking for discovery or inspection is bound by the oath of the opposite party, and, that oath being taken at his peril, the matter is concluded by it, not only as ts discovery, but so far as the consequences are concerned, viz., inspection.

The plaintiff appealed, and on the above date the case came before the Court of Appeal, all three judges agreeing in dismissing the appeal.

LORD COLERIDGE, C. J., in the course of his judgment said:—"I think our decision may be put on O. 31, rule 11 itself, which gives power to order the production of such documents 'as the Court or Judge shall think right,' and that we may say that we do not think it right to order the production of any of the documents sought to be inspected, and that the discretion of the Judge and of the Court below was rightly exercised. That would be sufficient to dispose of this matter, but I am inclined to go further and to say that it is concluded by what is laid down in *Jones* v. *M. V. Gas Co.*, supra, and *Taylor* v. *Batten*, supra. Now, as I understand these cases, the principle is this, that on an application for discovery or inspection, which, I apprehend, are substantially the same thing, the applicant is bound by the affidavit made in answer to the application, if the documents referred to in it are sufficiently identified, to enable the Court to order their production, should the Court think right to do so. Here the documents are sufficiently identified, for the affidavit in this respect is almost in the very words which were used, and held to be sufficient, in the affidavit in *Taylor* v. *Batten*. . . . If the affidavit sufficiently describes the documents for the purpose of identification the other party can go no farther, whether he seeks discovery or inspection."

BAGGALLY, L. J., and BRAMWELL, L. J., concurred on similar grounds.

Appeal dismissed.

[*Imp. O.* 31, *rule* 11 *and Ont. O.* 27, *r.* 3 *are virtually identical.*]

MCLAREN v. HOME.

Imp. 31-32 *Vict. c.* 125 *and Rule* 5.—*Ont.* 37 *Vict. c.* 10, *sec.* 53. *C. and General Rule* 33.

Election Petition — Witnesses — Expenses — Taxation.

[May 3.—L. R. 7, Q. B. 477; 50 L. J. R. 658.

Although the amount of the reasonable expenses to be paid to any witness in an election petition may, under the above Imp. Act and Rule (r. 5. additional General Rules, 1875), be ascertained and certified by the registrar, his certificate is not conclusive of the amount as between the petitioner and respondent, but it is, as part of the general costs of the petition subject, under sec. 41, to taxation by a master who must exercise his discretion on the expenses certified.

[NOTE.—*Imp.* 31-32 *Vict. c.* 135, *sec.* 34 *appears to be virtually identical with the Dominion Controverted Elections Act*, 1874 (37 *Vict. c.* 10 *C.*) *sec.* 53: *while our General Rule* 5, *made under the latter act, provides as follows:* "*The reasonable costs of any witness shall be ascertained by the Registrar of the Court, and the certificate allowing them shall be under his hand.*" *Sec.* 41 *of the Imp. Act is virtually identical with sec.* 60 *of the Dom. Act. It does not appear necessary to do more than note the decision here.*]

NORMAN V. STRAINS.

Compromise of probate proceedings before writ issued—Effect of compromise an infant and married woman.

[Nov. 30, C. of Prob.—45 L. T. 191.

In this case the President of the Court of