theless affirm that a party is not entitled to a commission *ex debito justitiæ*, but that it is a matter of judicial discretion, and ought only to be granted on reasonable grounds being shown for its issue. Lord Esher, who delivered the judgment of the court, says, at p. 181: "The court must take care, on the one hand, that it is not granted when it would be oppressive or unfair to the opposite party, and, on the other hand, that a party has reasonable facilities for making out his case, when, from circumstances, there is a difficulty in the way of witnesses attending at the trial. All the circumstances of each particular case must be taken into consideration."

When a party applies for a commission to examine himself, he goes on to say that the discretion must be exercised in a stricter manner, which agrees with the decisions of our own courts in *Price* v. *Bailey*, 6 P. R. 256; *Thomas* v. *Story*, 11 P. R. 417; and *Mills* v. *Mills*, 12 P. R. 473.

COSTS—ARBITRATION—"COSTS OF REFERENCE"—COSTS OF NEGOTIATING AND SETTLING TERMS OF SUBMISSION.

In re Autothreptic Steam Boiler Co., 21 Q. B. D. 182, Huddleston, B., and Charles, J., were called on to decide whether or not the costs of negotiating and settling the terms of a submission to arbitration by consent, but not in a cause, could be considered as part of "the costs of the reference," which were in the discretion of the arbitrator, and they decided that they were.

JUSTICE OF THE PEACE—INFORMATION NOT DISCLOSING INDICTABLE OFFENCE—REFUSAL TO ISSUE SUMMONS.

Ex parte Lewis, 21 Q. B. D. 191, was an application for a rule calling on a police magistrate to show cause why he should not hear and determine an application for summonses against one of Her Majesty's Secretaries of State and the Chief of the Metropolitan Police, for prohibiting public meetings to be held in Trafalgar Square. The application had been refused by the magistrate, on the ground that no indictable offence was shown by the information; and it was held by Wills and Grantham, JJ., to whom the application for the rule was made, that when a magistrate has refused a summons, on the ground that the information does not disclose an indictable offence, the High Court has no jurisdiction to review his decision either as to law or fact, and they therefore refused the rule.

PRACTICE—PAYMENT INTO COURT—DEFENCE SETTING UP DENIAL OF LIABILITY.

The case of *Davys* v. *Richardson*, 21 Q. B. D. 102, is an appeal from the decision of Lord Coleridge, C.J., and Mathew, J., 20 Q. B. D. 722, noted *ante* p. 354. The Court of Appeal (Lindley and Lopes, L.JJ.) were of opinion that, as the plaintiff's solicitor had acted *bona fide* in taking the money out of court and paying it over to his client before any application to refund was made, he ought not to have been ordered to repay it, and they therefore varied the order to that extent.