

mand—Solicitor as party—Clients co-defendants—Privilege lost. *Phillips v. Lawson*, 646.

Further examination.—Better affidavit on production—Trespass to mining lands — Production of daily records ordered. *Curry v. Wettlaufer Mining Co.*, 623.

Further production.—Similar transactions—Lack of relevancy. *Davison v. Thompson*, 888.

Officer resident outside jurisdiction.—Con. Rule 1321—Scope of—Con. Rules 439 (2), and 454—"Officer"—Admissions of—Order refused. *Grocock v. Edgar Allen Co.*, 788.

DRAINS AND DYKES.

Municipal corporations.—Natural watercourse—Drainage of surface-water into—Exceeding capacity of watercourse—Overflow—Injury to land—Liability—Damages. *McGuire v. Brighton Township*, 223.

Municipal corporation.—Negligence of—Non-completion of work—Damages—Mandatory order—Referee's report—Appeal dismissed. *Moshier v. Eastnor*, 96.

Open ditch in highway.—Overflow on plaintiff's land—Seepage—Injunction—Damages—Costs. *Moore v. Cornwall*, 113.

Report of referee.—Appeal from—Apportionment of cost — Repairs to drain—Instructions to engineer—Report of engineer not to be lightly disturbed. *Anderton v. Malden & Colchester South*, 320.

EJECTMENT.

Action by administrator.—Lien for improvements—Promise to devise land to defendant—Estoppel—Increased value of land. *McBride v. McNeil*, 538.

ELECTIONS.

Municipal.—Declaration of an election to be a nullity by Trial Judge — Right of ratepayer to appeal when Municipal Council refused to appeal. *Stoddard v. Owen Sound*, 165.

ESTATES.

Partition.—Sale under order—Payment into Court — Con. Rule 1146 — Costs. *Welsh v. Harrison*, 120.

EVIDENCE.

Commission to take.—Action for commission on sale of lands—Disregard of Con. Rule 518. *McAlpine v. Proctor*, 952.

Cross-examination on affidavit filed.—Action for conspiracy to defame and libel—Motion for security for costs —Lengthy examination—Scope of further examination refused. *St. Clair v. Stair*, 740.

Estoppel.—Passivity — Contract for sale of machinery—Repudiation of agent by principal—Laches. *Maple Leaf Portland Cement Co. v. Owen Sound Iron Works*, 907.

Presumption of death.—Absence for over seven years—Diligent enquiry—Insurance moneys. *Aag & Order of Canadian Home Circles, Re*, 796.

Telephone conversation.—Corroboration. *Warren, Gzowski & Co. v. Forst & Co.*, 311.

Witnesses.—Expert evidence—9 Edw. VII. c. 43, s. 10—No application under—Objections—Meaning of expert—Opinion evidence—New trial ordered. *Rice v. Sockett*, 602.

EXECUTORS AND ADMINISTRATORS.

Action to set aside sale.—Purchase by executrix — Plaintiffs joining in conveyance—Good price obtained—Laches—Shifting of onus — Action dismissed — Costs. *Blaisdell v. Raycroft; Raycroft v. Cook*, 259.

Alleged gift by deceased.—Too vague to be given effect to—Transfer of moneys in bank. *Munn v. Keyes*, 292.

Appointment of receiver.—Ex parte application—Refusal to account — Residence out of jurisdiction. *Beard, Re*, 955.

Claim by plaintiff to be next of kin.—Pedigree—Hearsay evidence—Rule as to, discussed—Costs. *Woods, Brown v. Carter, Re*, 353.