

Martin, J.]

RUSSELL v. SAUNDERS.

[March 9.

Practice — Cross-examination on affidavit — Rules 385, 401 and 429.

Motion for injunction. Counsel for defendant objected to plaintiff's affidavit being read as he had served notice asking that plaintiff be produced for cross-examination on his affidavit, but plaintiff had objected to being cross-examined.

Held, that Rules 385 and 429 taken together compel the production for cross-examination of a deponent on his affidavit if required by the opposite party before such affidavit can be used.

Duff, for defendant. *Harold Robertson*, for plaintiff.

Martin J.]

CRUTCHFIELD v. HARBOTTLE.

[March 31.

Mining law — Failure to record transfer of mineral claim — Right of locator subsequent to such transfer — Mineral Act, ss. 9, 49, 50.

In May, 1897, B. located and recorded the May Day claim and six days after location conveyed a half interest to defendant by a bill of sale which was not recorded till April, 1898. B.'s free miner's certificate lapsed in July, 1897, and in October, 1897, the plaintiff, a free miner, relocated the May Day as the Equaliser claim. By section 9 of the Act on the lapse of B.'s certificate his half interest in the May Day became vested in his co-owner, the defendant.

Held, in adverse proceedings, that the defendant's title could not prevail against the plaintiff.

Galliher and *P. E. Wilson*, for plaintiff. *S. S. Taylor*, Q.C., for defendant.

Book Reviews.

Greenleaf on Evidence.—A treatise on the law of evidence, by SIMON GREENLEAF, LL.D., in three volumes, 16th edition, revised, enlarged and annotated by PROFESSOR WIGMORE and PROFESSOR HARRIMAN; Boston: Little, Brown & Co., 1899.

It is of great interest to the profession even to be told that a new edition of this standard work has been published, but it adds largely to the interest when a writer of such eminence as Professor Wigmore takes charge of the first volume, and Professor Harriman of volumes II. and III. As has been well stated this revision and enlargement has given Greenleaf a new lease of life and renewed his hold upon the profession. Whilst this edition contains the original text, it is claimed that all matters in previous editions which were useless have been eliminated, and new chapters introduced, treating fully on such topics as real evidence, relevancy, circumstantial evidence, exceptions to hearsay rule, and regular entries in the way of business, etc.