

etc. Many times I have found it necessary to procure witnesses from the United States, at considerable expense, solely to prove the absence from Canada of the person whose previous evidence is intended to be used.

The suggested amendment meets with my entire approval, and I would be pleased to see it enacted.

A. H. CLARKE.

Windsor, March, 1899.

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

(Registered in accordance with the Copyright Act.)

RECEIVER -- MARRIED WOMAN'S SEPARATE ESTATE -- JUDGMENT FOR COSTS AGAINST MARRIED WOMAN.

In *Cummins v. Perkins* (1899) 1 Ch. 16, the plaintiff was a married woman, and her action was dismissed with costs to be paid out of her separate estate. The only separate property which she had consisted of a share coming to her under a will. Before the costs were taxed, the trustees of the will were about to distribute the estate and pay the plaintiff her share, and the defendant applied for the appointment of a receiver to receive the plaintiff's share and hold it as security for the costs when taxed. The motion was resisted on the ground that it was in effect a motion for equitable execution, to which the plaintiff was not entitled until he was in a position to get legal execution, and the defendant could not be in that position until the costs were taxed. Kekewich, J., however, granted the application, and his order was sustained by the Court of Appeal (Lindley, M.R., and Chitty, L.J.) on the ground that where a party has a right to payment out of a particular fund the Court has power to protect the fund by injunction or the appointment of a receiver. *Kearns v. Leaf*, 1 H. & M. 681, though a case arising out of a contract, was held also to warrant the order in question.