

a reasonable defence to the action. Upon an order for discovery, the litigant may be ordered to declare on oath what relevant documents he has in his power or possession, or he may have to file an affidavit in answer to interrogatories. It will be seen that in all these cases the matters sworn to are by no means decisive of the issue in the action; and even in the chancery courts, where affidavits are much more in vogue, the opposing party, if he doubts the affidavit evidence, may have the witness cross-examined upon his sworn statement. In the nature of things it is necessary that much of the evidence in prize cases must be taken by affidavit. But even in the Prize Court, the affidavit is read in an atmosphere of suspicion. In *The Proton* ((1918) A.C. 578) Lord Sumner with characteristic humour says this: (at p. 583):—"All these facts are deposed to in affidavits. It is true that they contain many other statements which are not evidence and are not trustworthy. They revel in rumors, they abound in hearsay, they contain many exaggerations and some extravagances, and after all they are affidavits." But it is right to say that there the judge of the Prize Court had accepted the affidavits; that the Privy Council held he was right in so doing; and that, in the result, a valuable vessel was condemned in prize.

METES AND BOUNDS.

If my land Blackacre is separated from Whiteacre by a hedge, where is the exact boundary between the two closes? It is strange that in a country like England where the hedge has been used as a fence for hundreds of years there should be any question about such a point as this: but the question has arisen in a very acute form in a recent case. I refer to *Collis v. Amphlett* (1918) 2 Ch. 476. There the defendant owned certain closes bordering on a common. That common was enclosed in the year 1879, its boundaries being marked on a map. That map must be taken (having regard to certain Acts of Parliament) to mark for all time the metes and bounds of that common; but it was on too small a scale to shew the exact nature of the fences around the common, although it did indicate that those fences belonged to the defendant. Evidence was, however, called to prove that, when the common was laid out,