

utterance of Lord Kitchener, who, soon after August 4, 1914, said that the war would last three years. This was at a time when others were talking cheerfully of 3 months. It is but fair to the memory of the great Field Marshal to say that shortly before his tragic death he is reported to have said: "The first seven years of the war will be the worst." But what is meant by "the end of the war?" This is a question of general importance so much so that the Attorney-General some time ago appointed a committee presided over by Mr. Justice Atkin to consider the matter in its legal bearings. This committee has now reported. In their opinion "the war cannot be said to be at end until peace is finally and irrevocably obtained, and that point of time cannot be earlier than the date when the treaty of peace is finally binding on the respective belligerent parties; and that is the date when the ratifications are exchanged." That there should be absolute certainty in this matter is of vital importance, because a very large number of statutes and statutory orders are expressed to be operative only until the end of the war. For example, all regulations made pursuant to the Defence of the Realm Act will automatically cease to operate when the war comes to an end, and the powers of a very large number of executive officers ceasing at that time, these persons may be exposed to liability on civil process. In these circumstances the committee not only recommend that the period of state of war be fixed with absolute certainty, but that Parliament should confer upon the Crown power to extend (by Order-in-Council) the powers of numerous Government Departments for such time as may be necessary to wind up their affairs.

AFFIDAVITS IN PRIZE CASES.

"Truth will out, even in an affidavit" is an utterance commonly attributed to an old judge. That affidavits *per se* are an unreliable form of testimony can be gathered from our rules of procedure. The King's Bench Division is never called upon to decide any real issue of fact upon affidavit evidence. Indeed, there are only about three forms of affidavit which crop up in an ordinary common law action. A defendant who desires to resist summary judgment must file an affidavit setting forth facts which shew that he has