The Canada Law Journal.

VOL. XXV. APRIL 1, 1889. No. 6.

WE regret that our space is so fully occupied wit matters which cannot well be postponed, that we are compelled to defer until our next number an obituary notice of the late Sir William Buell Richards.

A SOMEWHAT important point regarding security for costs on appeal arose in *Carroll* v. *Pemberthy*, before the Master in Chambers on March 6th. A motion was made on behalf of the appellants to stay proceedings upon giving security for the amount of the judgment debt, and paying $200 as security for costs, on appeal to the Court of Appeal, into Court. For the respondents, it was objected that the amount to be paid into Court as security for costs should be $400, as required by sec. 71 of the Judicature Act. The appellant relied upon Rules 806 and 1248 as authority for paying in $200 for security where a bond is required for $400. The Master in Chambers held that whether the security was by bond or payment of money into Court, on appeal to the Court of Appeal, it must be in the sum of $400.

IN *Curtin* v. *Curtin*, lately argued on appeal before STREET, J., an interesting aspect of the question of the examination of third parties before trial was discussed. The plaintiff, Mary Curtin, brought an action against the defendant, Lawrence Curtin, her step-son, to set aside a deed from the plaintiff to the defendant of a fee simple in certain farm lands after a life estate reserved to the plaintiff, on the ground that the plaintiff, being illiterate, signed the deed not being aware of its true nature, and upon the understanding that it embodied an agreement as to collateral matters which she subsequently ascertained it did not contain. In the statement of claim it was alleged that one R. I. D., a solicitor, had drawn the conveyance. The plaintiff applied after issue retained to examine the solicitor, R. I. D., under Rule 565. In support of the application the plaintiff's solicitors made an affidavit alleging: "That it is very material (the plaintiff being illiterate) for the proper prosecution of this action on her behalf, that the said R. I. D. should be examined, touching his knowledge of the matters at issue, and as to his instructions for the preparation and execution of said deed, and that such instructions and that the books of the said R. I. D. should be produced for examination. That I believe that it would be useless to endeavor to obtain any information from the said R. I. D. touching the matters in question, unless by an examination under oath, as I believe the said R. I. D. to be acting altogether in the interest of