

EDITORIAL NOTES—CORROBORATIVE EVIDENCE.

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last arrangement has been eminently unsatisfactory, that is, if there is any necessity for practice reports at all, and we fancy there must be judging from the demand there is for numbers of this Journal, containing reports of cases published by us, without remuneration from the Society. The system adopted before the appointment of the late Practice Reporter (who, not being a bird, could not possibly be in two or three places at the same time—*vide* Boyle Roche), though slightly more expensive than the one now proposed would seem to have been preferable, inasmuch as the Society had then to deal only with one experienced person, who was responsible for the reports, and who made his own arrangements for obtaining, from time to time, with the assistance of juniors paid by him, the information required, and preparing the matter for the printer of the Society. The salaries which it is now proposed to give are not sufficiently large to induce gentlemen at all qualified for the office to accept the position, if looked at from that point of view alone. With an occasional exception, it would be a temptation only to some clerk in a large agency office, whose day is spent almost entirely at Osgoode Hall. But even the most capable students would require some experience to fill the position reasonably well; and by the time they have learned something of their duties they will, in all probability, find some opening which would compel them to give up a position which there would seem to be no sufficient inducement to retain. The Reporting Committee have not the time, and cannot be expected, either to teach new hands, or even to find them when wanted, and the work will, we fear, as a whole, be done in a more or less unsatisfactory manner; at the same time we are glad to see that the Committee are alive to the necessities of the case.

In English jurisprudence it is said to be a universal rule that the Court will not allow as against a person deceased any claim which is sustained only by the uncorroborated testimony of a single witness, and that an interested one: *Bottle v. Knocker*, 35 L. J. N. S., 547 (by Bacon, V. C.). Though this is perhaps rather a broad statement of the rule in England, yet such is unquestionably the effect of the Ontario Statute pertaining to this subject: 36 Vict. c. 10 s. 6 (*Rev. Stat. c. 62, s. 10*). The effect of this Statute is considered in *Stoddart v. Stoddart*, 39 U. C. R. 211, and the conclusion is reached that corroboration by material evidence is required in the case not only of an *opposite* party, but also of an *interested* party. This corroboration, however, need not be by the oral evidence of another witness confirmatory of the bargain proved by the claimant, but may be by documents, or circumstances: *Cooley v. Smith*, 40 U. C. R. 543. As remarked by Chatterton, V. C., in *Hartford v. Power*, Ir. R. 3 Eq. 607, unless there is something not necessarily of direct evidence, but of circumstances, at least, corroborating the claim, it would be most unsafe to allow it. See also *Birdsell v. Johnson*, 24 Gr. 202; *Findley v. Pedan*, 26 C. P. 483.

It is not necessary that the evidence of the party claiming should be corroborated in every particular. That would be, in the language of Sir James Hannen, equivalent to saying that no evidence needing corroboration should be used unless there were proof sufficient to dispense altogether with the evidence to be corroborated. It is enough if independent support is given to the evidence of the chief witness in so many instances that it raises in the mind the conviction that he is to be depended upon even in