

refer the plaintiff's claim to arbitration, as provided by the contract under section 4 of the Arbitration Act, 1889 (see 60 Vict., c. 16, s. 4, O.). The Master to whom the motion was originally made, refused the application, but Day, J., on appeal, granted the order, and his decision was affirmed by the Court of Appeal (Lord Esher, M.R., and Chitty, L.J.), on the ground that the dispute was one within the terms of the arbitration clause.

PRACTICE—DISCOVERY—INSPECTION OF DOCUMENTS—DOCUMENTS REFERRED TO IN AFFIDAVIT, NOT FILED, BUT OF WHICH COPY SERVED ON OPPOSITE PARTY—ORD. XXXI. RR. 15-18—(ONT. RULES 469-470).

*In re Fenner & Lord*, (1897) 1 Q.B. 667, notice of motion was given to set aside an award on the ground of the misconduct of the arbitrator, and for the purpose of opposing the motion the opposite party procured from the arbitrator an affidavit in which he referred to certain letters which passed between the solicitor of that party and the arbitrator. The affidavit was not filed, but a copy was served on the party giving the notice of motion, who applied to a judge under Ord. xxxi. rr. 15-18 (Ont. Rules 469-470), for an inspection of the letters. The judge (name not given) refused the application, but the Court of Appeal (Lord Esher, M.R., and Chitty, L.J.) granted it, being clearly of opinion that the letters were within the Rules above referred to.

APPEAL—TIME FROM WHICH ORDER IN APPEAL TAKES EFFECT—RELATION BACK.

*In re Donisthorpe and the Manchester S. & L. Ry. Co.*, (1897) 1 Q.B. 671, although dealing with a procedure which does not prevail in Ontario incidentally determines a point in reference to the time at which an order made by a judge on appeal from a Master takes effect, which renders it deserving of attention. Under the English Railway Act and Land Clauses Consolidation Act, where lands are expropriated by a Railway company, the company is empowered before issuing a warrant to a jury to assess the compensation, to apply to a judge to order a trial of the question. The company in the present case applied to a Master to direct a trial, which was refused, and the company then issued a warrant to the sheriff to sum-