

as to the shares retained, they considered the difference between the market price on the day of allotment and the price paid, was the proper measure of damages as to them. An application was made to stay the reference as to damages pending an appeal to the House of Lords, but the Court of Appeal refused to make any order, being of opinion that as a general rule proceedings on a judgment should not be stayed pending an appeal, except on special grounds.

**PRACTICE—DISCOVERY—PRODUCTION OF DOCUMENTS—PRIVILEGE—BILLS OF COSTS.**

In *Ainsworth v. Wilding* (1900) 2 Ch. 315, two points of practice are decided, (1) that mere records of what takes place in chambers in the course of hostile proceedings in the presence of parties on both sides, are not privileged from production, and such entries contained in a bill of costs delivered by a solicitor to his client are not privileged from production by the client; and (2) that correspondence which is protected on the ground of privilege is not rendered liable to discovery merely because it contains statements of fact as to what has taken place in chambers in the course of hostile litigation in the presence of both parties, and therefore letters or statements made by a solicitor to his client containing such statements of fact were not liable to production. It would almost seem that these two propositions are mutually destructive; it may be observed, however, that with regard to the bills of costs no objection was made to their production, but privilege was claimed only for certain entries therein, which was really the point determined by Sterling J., and not the larger question whether the bills were liable at all to production.

**RESULTING TRUST—FUND RAISED BY SUBSCRIPTION FOR MAINTENANCE OF POOR PERSON -- DEATH OF BENEFICIARY -- UNAPPLIED SURPLUS OF CHARITABLE FUND RAISED BY SUBSCRIPTION.**

In *re Trusts of Abbott, Smith v. Abbott* (1900) 2 Ch. 326, discusses the doctrine of resulting trusts. The facts were that a fund had been raised by voluntary subscription for the maintenance of two poor persons who had died. There had been no declaration of trust, and the surplus of the fund remained unexpended, and the question presented for Sterling J., to decide was whether the representatives of the deceased beneficiaries or