

Held, per GWYNNE, J., that whatever, if any, right, title or interest, in the disputed portion of the lands did pass by the first deed to the Quebec Government, had become vested in the Canadian Pacific Railway Co., in virtue of the statutes and instruments executed thereunder, and consequently the respondents had no right of action whatever to have it declared that they had any right, title, interest or claim thereto.

Pelletier, Q.C., for appellant.

Langelier, Q.C., for respondent.

Province of Ontario.

COURT OF APPEAL.

Practice.]

[March 2.

IN RE WILSON, TRUSTS CORPORATION OF ONTARIO *v.* IRVINE.

Appeal—Surrogate Court—Time—Security—Deposit of cheque—Affidavit—R.S.O. c. 50, s. 33—Surrogate Rule 572.

The plaintiffs, desiring to appeal to the Court of Appeal from an order of the Judge of a Surrogate Court made on the 4th October, 1895, served notice of appeal on the fifteenth day thereafter, and on the same day deposited with the Registrar of the Surrogate Court as security a cheque for \$100 payable to the order of the Registrar. The cheque was not marked by the bank, and was not cashed or presented for payment by the Registrar, who simply retained it in the office. No other security was given, and no affidavit of the amount of the property to be affected by the order was filed :

Held, that what was done was not such a compliance with the requirements of Rule 572 of the Surrogate Rules of 1892, that the appeal was thereby lodged and brought within fifteen days, as required by s. 33 of the Surrogate Courts Act, R.S.O. c. 50 ; and the appeal was quashed with costs.

D. W. Saunders, for the plaintiffs.

DuVernet, for the defendant.

Practice.]

[March 16.

D'IVRY *v.* WORLD NEWSPAPER COMPANY OF TORONTO.

Discovery—Defamation—Production of documents—Privilege—Criminating answers—R.S.O., c. 61, s. 5—Incorporated company—Indictment.

A person is protected against answering any question not only that has a direct tendency to criminate him, but that forms one step towards doing so, but the person, or, in the case of a corporation, an officer, must pledge his oath to his belief that such would or might be the effect of his answer, and it must appear that such belief is likely to be well founded.

The statute, R.S.O., c. 61, s. 5, has merely embodied the existing law as to the protection of a witness against answering questions tending to criminate, though including the case of a party examined as a witness, or for the purpose of discovery.