

County Court to the effect that there is no rule of law which prevents the dedication of a ditch running alongside a highway between the travelled road and the fences on either side, as part of such highway merely because it cannot be used by the public as part of the roadway for the purpose of passage; and consequently where such a ditch was filled up and made part of the roadway, it was held not to be a widening of the highway.

DEFAMATION—LIBEL—FAIR COMMENT—MALICE—REVIEW OF BOOK
—PRIVILEGED OCCASION.

Thomas v. Bradbury (1906) 2 K.B. 627 was an action for libel against the publishers of Punch. The libel complained of was contained in a review of a book written by the plaintiff. The review was entitled "Mangled Remains," and was a severe criticism of the work charging the writer with incompetence and conceit, etc. The defendants pleaded fair comment on a privileged occasion. At the trial it was proved that the writer of the review and the plaintiff were not on friendly terms, and it was held by the Court of Appeal (Collins, M.R., Cozens-Hardy, L.J., and Barnes, P.P.D.), that such evidence was properly admitted to shew malice, and that the jury might properly find as they did that comment, which is actuated by malice cannot be termed fair, and a verdict in favour of the plaintiff for £300 was upheld.

BANKRUPTCY—TRUSTEE—TRUSTEE'S POWER TO COMPROMISE
CLAIMS—SANCTION OF COURT—OPPOSITION TO COMPROMISE
—(R.S.C. c. 126, s. 33).

In re Pilling (1906) 2 K.B. 644, although a bankruptcy case, is deserving of notice as bearing on the effect of the Winding-up Act. (R.S.C. c. 129) c. 33. Under the English Bankruptcy Act the trustee has ample power, with the consent of committee of inspection, to compromise all claims. In this case the trustee and committee were in favour of accepting a proposed compromise, but the bankrupt objected, and for his own protection the trustee applied to the Court for directions and authority to accept the compromise. The application was opposed by the bankrupt. Bingham, J., to whom the application was made, refused to express any opinion, holding that it was a matter for the discretion of the trustee and committee with which the Court would not interfere unless it were shewn by the party