

FRAUDULENT PREFERENCE—BANKRUPTCY—PAYMENT TO CREDITOR WITH VIEW TO PREFER SURETY.

In re Warren (1900) 2 Q.B. 138, the question determined is a simple one. A bankrupt was liable on a promissory note, jointly and severally with two other persons who were mere sureties; being insolvent, and with the view of relieving the sureties, she paid the note to the holder. The assignee in bankruptcy claimed that this payment was a fraudulent preference of the sureties, from whom he sought to recover the amount of such payment, but Wright and Phillimore J.J. held that to constitute a fraudulent preference under the Bankruptcy Act, 1883 (46 & 47 Vict., c. 52), s. 48, the payment must be made to the creditor intended to be preferred.

DISCOVERY—PRODUCTION OF DOCUMENTS—COMMUNICATIONS BETWEEN SOLICITOR AND CLIENT—PRIVILEGE—EVASION OF STATUTE.

The Queen v. Bullivant (1900) 2 Q.B. 163, deals with a point of practice. The action was in the nature of an information by a colonial Attorney-General to recover succession duty on certain property under a Colonial Act. The information claimed that certain conveyances had been made by the deceased for the purpose of evading the Act. On the examination of the defendant for discovery he admitted that he had in his possession, as solicitor for the deceased, certain books in which were entered instructions received from the testator in reference to the impeached conveyances which he objected to produce as being privileged. On application to Mathew J. he was ordered to produce the book in question, and the Court of Appeal (Collins and Romer, L. JJ.) sustained the order, holding that privilege cannot be claimed for communications between solicitor and client which came into existence for the purpose of the client obtaining professional advice as to how to evade the statute, the evasion of which is the ground of the action in which the discovery is sought.

LIBEL—PUBLICATION OF LIBEL—CIRCULATING LIBRARY—BOOK CIRCULATED IN IGNORANCE OF LIBEL THEREIN CONTAINED—NEGLIGENCE.

Visetelly v. Mudie's Library (1900) 2 Q.B. 170, was an action of libel against the Mudie's Library Company for circulating a book containing a libel on the plaintiff. One of the two managing directors of the company was called as a witness for the defence