was brought against Smee, the original lessee, and Cornish, his under lessee. Smee had not been served with the writ, but upon Cornish being served he tendered the arrears of rent and costs which was refused by the plaintiff. Cornish thereupon applied under C. L. P. Act, s. 212, (R.S.O. c. 170, s. 25) to stay the proceedings. The plaintiff resisted the application on the ground that Cornish had failed to prove his title as under lessee and Ridley, J., dismissed it; but the Court of Appeal (Cozens-Hardy and Buckley, L.JJ.) reversed his decision, being of the opinion that on such an application it is not necessary for the applicant to deduce a regular chain of title, but it is sufficient if he shews he is de facto tenant in possession.

PRACTICE—HUSBAND AND WIFE—PERMANENT ALIMONY—ORDER FOR PAYMENT OF ALIMONY—ARREARS OF ALIMONY, ACTION TO RECOVER.

Robins v. *Robins* (1907) 2 K.B. 13 seems to shew that the decision of the Divisional Court in *Aldrich* v. *Aldrich*, 24 Ont. 124, was erroneous. The action was brought to recover arrears of alimony payable under an order of the Probate and Divorce Division, and Joyce, J., held that the order sued on was not a final or conclusive judgment upon which an action of debt could be maintained, because such a judgment or order is always subject to the control of the Divorce Division, which may vary it from time to time in its discretion even as to arrears. Since *Aldrich* v. *Aldrich* was decided we may note such actions as that are expressly prohibited by 61 Vict. c. 15, s. 9 (O.).

DISCOVERY—SEDUCTION—DISCLOSURE OF NAMES.

Hooton v. *Dalby* (1907) 2 K.B. 18 was an action for seduction of the plaintiff's daughter. The defendant by his defence traversed the allegation that he was the father of the daughter's child. The plaintiff for the purpose of discovery claimed an answer to the interrogatory—whether the defendant alleged that carnal knowledge had taken place between the daughter and any other male person, and if so asking for the name and address of such person. Ridley, J. disallowed it, and the Court of Appeal (Cozens-Hardy and Buckley, L.JJ.) held that it had been properly disallowed as being a fishing interrogatory for the purpose of finding out the names of the defendant's witnesses.