

the appeal and dismissed the action, holding the occasion privileged, and there being no evidence of malice.

DEFAMATION — LIBEL — PRIVILEGED COMMUNICATION — SOLICITOR ACTING IN DISCHARGE OF HIS DUTIES TO HIS CLIENT — PUBLICATION OF LIBEL — DICTATING OF LETTER TO CLERK — CLERK COPYING LETTER.

*Boxsins v. Goblet*, (1894) 1 Q.B. 842, was also an action for libel, in which a similar point to that in the last case is discussed. The action was brought against a firm of wine merchants, and their solicitors. A Mrs. Buduns was indebted to the wine merchants, and they put the claim in the hands of their solicitors for collection. From information they received, they were led to believe that the plaintiff and Mrs. Buduns were identical, and on that supposition wrote to the plaintiff a letter demanding payment of the debt, and making the defamatory statements complained of. The letter was dictated to one clerk and copied by another clerk of the solicitors. The jury found a verdict for the plaintiff, but negatived malice. It was attempted to distinguish the case from the preceding one on the ground of there having been a publication to the clerks who had written and copied the letter, and *Pullman v. Hill* (1891) 1 Q.B. 524 (see *ante* vol. 27, p. 236) was relied on; but the Court of Appeal (Lord Esher, M.R., and Lopes and Davey, L.JJ.) were agreed that the case was distinguishable, on the ground that it is not part of the ordinary course of business of a merchant to write defamatory letters; whereas in the case of a solicitor he was privileged to write and send in the ordinary course of business letters respecting his client's affairs, and that the publication of such letters to his clerks in the ordinary course of business was privileged. The action was therefore dismissed.

WILL—EVIDENCE—ONUS PROBANDI.

*Tyrvell v. Painton*, (1894) P. 151, is the only case in the Probate Division to which it is necessary to refer. This was an action to establish a will, and the question was whether the party who propounded a will which had been prepared and executed under suspicious circumstances by a person whose father was made sole devisee thereby had sufficiently satisfied the *onus* of showing that the testatrix knew and approved of the contents of the will. The Court of Appeal (Lindley, Smith, and Davey, L.JJ.)