

could a man, once acquitted after a hearing on the merits, again be tried for the same offence. Mr. Justice Scrutton gave as the ground of his decision that he did not wish to prevent the defendants from pleading autrefois acquit, in case a fresh summons were issued against them, his judgment apparently involving a *petitio principii*; while Mr. Justice Bailhache seems to have been impressed chiefly by the absence of any English authority for the proposition put forward in favour of the rule. It is to be regretted that no more authoritative decision is available, for the case cannot, of course, go to a higher court, being a criminal matter.—*Law Times*.

PRINTERS' PRIVILEGE.

All who aid or counsel, direct or join in, the commission of a tort are joint tortfeasors. Hence a person who is injured by a printed libel sues the author, if he can discover him, and the printer jointly. If, as between the author and the person defamed, the libel is published on a privileged occasion, can the printer avail himself of the privilege? If he can, does express malice of the author expose the printer to liability?

• These questions were discussed and decided by Mr. Justice Bankes in the case of *Smith v. Streetfeild and others* (109 L.T. Rep. 173; (1913), W.N. 263). The rector of a parish complained of the negligent performance by the plaintiff of his duties as one of the surveyors of ecclesiastical dilapidations of the diocese—a matter in which, if established, the rector and the rural deans of the diocese had a genuine interest. The rector wrote a letter on the subject, employed a firm of printers to print it, and sent a printed copy to each of the rural deans. In getting the letter printed he took a natural and proper means of circulating the letter among those who were interested in its contents. The letter contained statements defamatory of the surveyor in the way of his business, and he brought an action against the rector and the printers. As between the