

PRACTICE—EVIDENCE—PRODUCTION OF DOCUMENTS BY WITNESS—  
ACTION IN FOREIGN COURT—EXAMINATION OF WITNESS IN  
FOREIGN ACTION—DOCUMENTS IN POSSESSION OF SERVANT—  
REFUSAL OF SERVANT TO PRODUCE DOCUMENTS OF MASTER—  
ATTACHMENT.

*Eccles v. Louisville & Nashville Ry.* (1902) 1 K.B. 135. In this case an order had been made under the Foreign Tribunals Evidence Act, 1856, for the examination of a witness whose evidence was required in an action pending in a foreign Court. The witness on examination admitted that he had certain documents in his possession but objected to produce them, on the ground that he only held them as a servant of a firm, and he declined to apply to the firm for permission to produce them. An application was then made for an attachment against the witness for contempt, which was refused by Lush, J., but a Divisional Court reversed his decision, and granted leave to issue the writ. The Divisional Court (Williams, Buckley, and Kennedy, L.JJ.) reversed the decision of the Divisional Court (Kennedy, L.J., dissenting). The majority of the Court thought it lay on the applicant to shew affirmatively that the masters were willing that the documents should be produced. Kennedy, L.J., on the other hand, thought that as the witness was unable to state that his masters had refused permission to produce the documents; and having had plenty of opportunity to learn their wishes, and having made no effort to ascertain them, that it was a contempt on his part not to produce them.

TRANSMISSION OF DOCUMENT—DATE OF TRANSMISSION.

*Holland v. Peacock* (1912) 1 K.B. 154 may be briefly noticed for the fact a Divisional Court (Lord Alverstone, C.J., and Hamilton, and Bankes, JJ.), held that where a statute required a case stated by a magistrate to be "transmitted to the Court" within three days after the same should be received from the magistrate by the party applying therefor. The putting of the case in the letter box of the High Court of Justice on the last of the three days was a sufficient compliance with the Act, although the case was not actually received by the officer of the Court until the day after the three days had expired.