which Hinton was able to make, and which he did make, to the defendant was no longer what he had been told by Robinson, but what had passed by the plaintiff in his own presence."

This decision involved the reversal of the judgment in the Exchequer Chamber, which had upheld the view of the majority of the judges of the lower court, who had adopted the theory that "you can never proceed on hearsay evidence, when you have a good opportunity of testing the accuracy of the hearsay evidence by examining the person who is represented to have said such and said things."

Some of the authorities are, however, much more favourable to the defendant than the rationale of this case would seem to indicate.

Thus there is an old ruling to the effect that where a father preferred an indictment of rape against the plaintiff on the complaint of his daughter, a girl of eight years of age, it was held that the action could not be maintained, although the court was of opinion that the father was too credulous in causing an indictment to be preferred on the complaint of so young a girl. (*i*) So evidence of an accomplice or tainted witness, even if uncorroborated, and therefore not sufficient to sustain a conviction, is held to warrant the preferring of a criminal charge. (*j*) So a defendant shows probable cause for instituting a prosecution for arson where he acted bona fide upon statements made by convicts during the term of their imprisonment, even though they were not sworn, and were not legally competent, without a pardon, to be received as witnesses. (*k*)

The duty to verify information is very properly regarded as imperative where the information is received through an anonymous letter. (*l*)

In an action for presenting a petition to wind up a company, the question whether the defendant who had signed a transfer of shares, and handed it to his brokers, and had not received back the power in ten or eleven days, is entitled, in the ordinary course of business, to assume without further inquiry that the transfer had not been effectual, even though the brokers had told him that they could not dispose of the shares, is a question raising an issue of fact for the jury, and unless he is found not to be so entitled, the judge ought to hold that there was no reasonable cause for the defendant to suppose that he was still a share

(*i*) *Cox* v. *Wirrall*, Cro. Jac. 193.

(*j*) *Dawson* v. *Vansandau* (1863) 11 W.R. 310.

(*k*) *Oswald* v. *Mewburn* (1843) 6 U.C.Q.B. (O.S.) 471.

(*l*) *Ruttan* v. *Pringle* (1851) 1 U.C.C.P. 244; *Parker* v. *Langridge* (1892) 1 Que. Off. R. (Q.B.) 45; *Coyle* v. *Richardson* (1879) 2 L.C. Leg. News (S.C.) 60.