

EVIDENCE—ADMISSIBILITY—DECLARATION BY DECEASED PERSON—  
PATERNITY OF ILLEGITIMATE CHILD.

*Ward v. Pitt* (1913), 2 K.B. 130. The English Workmen's Compensation Act, it may be remembered, provides that the illegitimate offspring of a deceased workman is entitled to compensation. In the present case an attempt was made to prove that a posthumous illegitimate child was the child of the deceased by a statement of the deceased to the effect that he promised to marry the mother, that he intended to marry and make a home for her, that he admitted the paternity of, and intended to maintain, the child; but the Court of Appeal (Cozens-Hardy, M.R., and Buckley and Hamilton, L.JJ.) held that such statements are not declarations by a deceased person against his pecuniary interest and are not admissible.

PRACTICE — DISCOVERY — DEFAMATION — PUBLICATION TO UNKNOWN PERSONS—FISHING INTERROGATORY.

*Barham v. Huntingfield* (1913), 2 K.B. 193. This was an action for defamation imputing immoral conduct to the plaintiff, a married woman. The statement of claim alleged publication to one named person, and also during three specified years to various other persons unnamed. The plaintiff sought to ask the defendant whether he had in any of the three years uttered the words complained of, or words to the same effect, to any persons other than the person named, and the names of the other persons, if any. On behalf of the plaintiff, *Russell v. Stubbs*, 52 whether, in the circumstances, the action was premature; and second, whether the plaintiffs were bound by the certificate when issued, and the House of Lords (Lord Loreburn, L.C., and Lords Ashbourne, Alverstone, Atkinson and Shaw) answered both questions in the negative. The architect in their Lordships' judgment had disqualified himself as arbitrator by his conduct and therefore the plaintiffs were not obliged to postpone bringing their action until after the giving of his certificate, neither were they bound by his certificate when it was given.

PRACTICE—ASSESSMENT OF DAMAGES BY MASTER—APPEAL FROM ASSESSMENT—FORM TO WHICH APPEAL LIES—RULE 481—  
(ONT. RULE 579.)

*Dunlop Pneumatic Tyre Co. v. New Garage & Motor Co.* (1913), 2 K.B. 207. In this case judgment had been given by Phillimore, J., at the trial for damages to be assessed by a Mas-