

two members of a hockey team, and as such had put up at the defendant's inn; the captain of the team having contracted to pay the charges. While guests at the defendant's inn their room was entered and watches, money and jewellery, the property of the plaintiffs, were stolen. The point was raised by the defendant, that there was no liability, because there was no contract between the plaintiffs and the defendant; but Bigham and Walton, JJ., affirming the judgment of a County Court judge held that the common law liability of the innkeeper to a guest for the loss of property arose notwithstanding a third person had agreed to pay the charges; the relationship of innkeeper and guest arising, as soon as the traveller enters the inn with the intention of using it as an inn, and is so received by the host.

PRACTICE—DISCOVERY—EXAMINATION FOR DISCOVERY—ACTION FOR SLANDER—DEFENCE OF FAIR COMMENT.

*Walker v. Hodgson* (1909) 1 K.B. 239. This was an action for slander, the words complained of having been spoken by the defendant as the chairman of a meeting. The defendant pleaded that the words complained of so far as they consisted of statements of fact, were true, and in so far as they consisted of comment were fair and bona fide comment upon matters of public interest. The defendant claimed to be entitled to interrogate the plaintiff for discovery for the purpose of establishing the truth of the matters of fact alleged in the speech complained of, and in the particulars delivered by him of the matters upon which his defence of fair comment was based. Bray, J. held that in the absence of a plea of justification the defendant was not entitled to put any of the proposed interrogatories, but the Court of Appeal (Williams, Buckley and Kennedy, L.JJ.) reversed his decision in part, they being of opinion that without a plea of justification the defendant is entitled to interrogate the plaintiff as to the truth of the allegations of fact on which the alleged defamatory statements were based, or which the defendant desired to prove at the trial for the purpose of supporting his plea of absolute privilege; and on this intimation of opinion the parties agreed as to the questions which might be put.

CRIMINAL LAW—PRACTICE—SUBPENA ISSUED FOR IMPROPER PURPOSE—SETTING ASIDE SUBPENA.

*Rex v. Baines* (1909) 1 K.B. 258 appears to be a little interlude in the suffragette agitation now going on in England. The