intercept and hand over a letter addressed to somebody else, which is in course of transmission through the post office, is guilty of larceny. The Court (Lord Coleridge, C.J., Pollock, B., and Hawkins, Grantham, and Charles, JJ.) were of opinion that he could be convicted, either as principal, or as accessory before the fact, to the larceny by the postman (see R.S.C., c. 145, s. 1.)

PRACTICE—DISCOVERY—ACTION FOR LIBEL.

The *cause celebre* of *Parnell* v. *Walter*, 24 Q.B.D., 441, which was an action against the proprietors of the *Times* newspaper for the publication of the "Parnellism and Crime" pamphlet, and other matters reflecting on the plaintiff, furnishes a little law on the practice of discovery. The plaintiff sought to interrogate the defendant (1) as to the extent of the circulation of the newspapers and pamphlet containing the alleged libel, and (2) as to the names of the persons from whom certain discreditable letters, alleged to be written by the plaintiff, which constituted part of the libel complained of, were obtained; what was paid for them; and what inquiries were made and what steps were taken to test and verify the information supplied to the defendants. The only defence set up was payment into court of 40/-. The defendants admitted a large circulation, but declined to answer further, on the ground that the information required could not be obtained without a difficult and troublesome enquiry, that the answer would involve disclosure of the defendants' business transactions, and that the precise number of copies sold was not material; and they also declined to answer as to the other matters, on the ground that they were irrelevant and not material. On an application to compel defendants to make further answer, it was held by Denman and Wills, JJ., that the defendants were bound to answer approximately as to the extent of the circulation of the alleged libels, but that the other matters were not relevant or material.

PRACTICE—APPEAL—TRIAL BY JURY—JUDGMENT ENTERED AGAINST FINDING OF JURY—JURISDICTION OF COURT OF APPEAL—ORDER XXXIX, R. 1, ORDER XL, RR. 4, 5 (ONT. RULES 789, 798).

In *Rocke* v. *McKerrow*, 24 Q.B.D., 463, the action was tried before a judge and jury, and the jury found a verdict for plaintiff on his claim, and for the defendant on his counter-claim; upon further consideration the judge came to the conclusion that there was no evidence which he ought to have left to the jury in support of the plaintiff's claim, and gave judgment for the defendant upon both claim and counter-claim. The plaintiff appealed to the Court of Appeal under Ord. xl, rr. 4, 5 (see Ont. Rule 798), but the Court of Appeal held that the appeal would not lie, and the plaintiff's remedy was in the Divisional Court under Ord. xxxix, r. 1 (see Ont. Rule 789). The Court of Appeal were of opinion that Ord. xl, rr. 4, 5 (Ont. Rule 798), only applies to a case where the judge at the trial, while admitting the findings of the jury to be correct, nevertheless directs a judgment to be entered which is erroneous in law, and not to a case where a judge sets aside or altogether disregards the findings of the jury.