

qualified to act as arbitrators under the contract, and their award therefore was null and void, and Pickford, J., who tried the action, gave effect to that contention, holding that, having acted in ignorance of the disqualification, the plaintiffs were in nowise estopped from taking the objection, for although the plaintiffs might be estopped from taking the objection that the arbitrator appointed by themselves was disqualified, yet that could not affect their right to object to the disqualification of the defendants' arbitrator when they became aware of it.

DEFAMATION—PAPER PUBLISHED BY PARLIAMENT—PRINTING EXTRACTS FROM PARLIAMENTARY PAPER—3-4 VICT. C. 9, s. 3—(9 EDW. VII. C. 40, s. 10)—RULE 461—(ONT. RULE 488).

*Mangena v. Wright* (1909) 2 K.B. 958. The plaintiff had lived in South Africa, and while there had interested himself in exciting some of the negroes to acts of rebellion. A report had been made to the Imperial Government, and the report had been printed and published in an official blue book. A reader of the *London Times*, a Natal official, seeing by a report in the paper that the plaintiff had been petitioning the King, drew attention in a letter to the *Times* to the official report, of which he sent a copy, which was published in the *Times*. The report contained severe reflections on the conduct of the plaintiff, who was stated to have acted in a reprehensible manner. The action was brought against the printer and publisher of the newspaper to recover damages for the alleged libel. The point was raised on the pleadings that under the Act of 3-4 Vict. c. 9, s. 3, the publication was protected. This question of law, and also the point whether evidence taken in a former trial in which the plaintiff had sued to recover damages for a prior alleged libel imputing similar conduct to the plaintiff; and also the point whether evidence as to the plaintiff's bad character would be admissible in mitigation of damages, were ordered to be argued, and Phillimore, J., held that if the publication in question was made in good faith, it was protected by the Act referred to. Also, that the evidence taken in the former action was admissible, saving all just exceptions; and also, that evidence of plaintiff's bad character would be admissible in mitigation of damages, and that Rule 461 (Ont. Rule 488) has not changed the law as laid down in *Scott v. Sampson* (1882) 8 Q.B.D. 491, on this point.