

and Fry, LL.J.), affirming the judgment of A. L. Smith, J., that the presumption that the grant included the bed of the river, *ad medium filum*, was rebuttable, and that the existence of the lease of the fisheries at the time the grant was made, was a fact which precluded the conveyance from being construed as passing any part of the bed of the river.

LIBEL—NEWSPAPER CRITICISM OF STAGE PLAY—QUESTION FOR JURY.

In *Merivale v. Carson*, 20 Q. B. D. 275, the Court of Appeal (Lord Esher, M.R., and Bowen, L.J.) affirmed the decision of Mathew and Grantham, JJ., refusing a new trial. The action was for libel of a play written by the plaintiff. The libel consisted in a criticism of the play, published by the defendant in a newspaper. It was contended by the defendant that the play, being a matter of public interest, the occasion was privileged, and the action would not lie except on proof of express malice. But the Court of Appeal held that there was no privilege, and that it is simply a question for the jury in such a case, whether the criticism has gone beyond the limits of fair comment; and that question having been submitted to the jury, and they having found in favour of the plaintiff, the court refused to disturb the verdict.

PRACTICE—EVIDENCE—AFFIDAVIT—CROSS-EXAMINATION.

Proceeding to the cases in the Probate Division, the first case calling for a passing notice is *The Parisian*, 13 P. D. 16, in which a point of practice is disposed of. Under Ord. 37, r. 2, evidence in references in admiralty actions may be given by affidavit, and it was held by Butt, J., that it is in the discretion of the Registrar to refuse, if he think fit, to give weight to such evidence unless and until the deponent has been cross-examined on his affidavit, and when the deponent is a party to the action, he may, though resident abroad, be required to attend in England for cross-examination.

ADMINISTRATION—GRANT TO CREDITOR—ABSCONDING ADMINISTRATOR—REVOCATION.

In *the goods of Bradshaw*, 13 P. D. 18, a grant of administration had been made to a creditor who, after his debt had been satisfied, had absconded and could not be found, and a personal representative of the estate being required in an action in the High Court, the Probate Division revoked the grant to the creditor without citing him, and made a new grant to the next of kin.

WILL—EXECUTOR ACCORDING TO THE TENOR.

The only other case in the Probate Division is *In the goods of Lush*, 13 P. D. 20, in which it was held that directions contained in a codicil to a person substituted as a trustee, to get in all the testator's property and to distribute it in a certain manner after payment of funeral and other expenses, constituted the substituted trustee an executor according to the tenor.