

## PRACTICE—COSTS—CROSS ACTION—SECURITY FOR COSTS—PLAINTIFFS IN CROSS ACTION OUT OF JURISDICTION—DISCRETION.

*New Fenix Co. v. General Accident Corporation* (1911) 2 K.B. 619. This was a cross action in which a judge had reversed the order of a master, requiring the plaintiffs to give security for costs, they being resident out of the jurisdiction. The judge was of the opinion that a cross action was in the nature of a cross-bill under the old chancery practice, and according to the former chancery practice in such a case the defendants were not entitled to security. The Court of Appeal (Williams, Moulton, and Farwell, L.JJ.), however, held that there was no hard and fast rule on the subject, and it was a matter of discretion in each case, having regard to all the circumstances, whether or not security should be ordered. In this particular case, the Court of Appeal came to the conclusion that the order should be granted.

## PRACTICE—DISCOVERY—QUESTIONS FOR PURPOSE OF ASCERTAINING NAMES OF OPPONENT'S WITNESSES.

In *Knapp v. Harvey* (1911) 2 K.B. 725 the Court of Appeal (Williams, Moulton, and Buckley, L.JJ.) held that in action to recover damages for injuries occasioned by the bite of the defendant's dog, in which the plaintiff had delivered particulars of two occasions on which the dog had bitten other persons, it was not admissible, for the purpose of discovery, for the defendant to administer interrogatories as to the names of the persons alleged to have been bitten, on the ground that such questions were merely put for the purpose of ascertaining the names of witnesses by whom the plaintiff intended to prove his case.