

was appointed by the creditor of a bankrupt to act as his proxy at meetings of creditors; the proxy himself was the attesting witness to the execution of the appointment, and the question was whether this was sufficient under the Bankruptcy Rules, which require the appointment to be attested by a witness. Cave and Charles, JJ., held it was not, and that the proxy himself could not be a witness to the instrument of proxy. Though the case itself relates simply to a proxy in bankruptcy, yet in principle it applies to all other instruments required to be executed in the presence of a witness, except wills, as to which there is express statutory provision, when they are executed in the presence of a witness who is also named as a beneficiary therein.

LIBEL—PRIVILEGED COMMUNICATION—RAILWAY COMPANY—PUBLICATION TO COMPANY'S SERVANTS OF OFFENCES COMMITTED BY OTHER SERVANTS.

In *Hunt v. Great Northern Railway Co.* (1891), 2 Q.B. 189, the plaintiff had been a servant of the defendant company, and had been dismissed from their employ for an alleged gross neglect of duty. The company published his name in a printed monthly circular, addressed to their servants, stating in it that he had been dismissed and the ground of his dismissal. The plaintiff claimed that this was a libel; but the Court of Appeal (Lord Esher, M.R., Fry, and Lopes, L.JJ.) upheld the ruling of Stephen, J., that it was a privileged communication.

PRACTICE—COSTS—TRIAL WITH JURY—DISCRETION OF JUDGE—PLACE OF TRIAL—RULE 976—(ONT. RULE 1170).

Roberts v. Jones—*Wiley v. Great Northern Railway* (1891), 2 Q.B. 194, is a double-barrelled case. In the first, the plaintiff, who lived in Cheshire, sued the defendant, who lived in Flintshire, for £640. The plaintiff not naming any place of trial, the action was tried before a jury in London, and the plaintiff recovered a verdict for £200. On the application of the defendant under Rule 976 (Ont. Rule 1170), it was ordered by Hawkins, J., that the plaintiff should be allowed, as against defendant, one-third of his costs, to be taxed as if the trial had been at Chester; and that the defendant should be allowed, as against the plaintiff, two-thirds of his costs, to be taxed treating the trial as being at London. In the second case, the plaintiff, who carried on business in Yorkshire, brought an action against the defendant company for injuries sustained in a collision, claiming £262 for injuries and £6388 for loss of trade. The plaintiff named Middlesex as the place of trial. The defendant made an unsuccessful attempt to change the venue to Leeds. The plaintiff recovered a verdict for £800. On the application of the defendant under the above Rule, it was also ordered by Hawkins, J., that the plaintiff should have his costs, so far as the action related to personal injuries, to be taxed as if the trial had been at Leeds; and that the defendants should have, as against the plaintiff, all their costs, so far as related to the claim for loss of trade, to be taxed treating the trial as taking place in Middlesex, and also the difference in the expenses of the defendants' medical witnesses arising from the action being tried in Middlesex instead of at Leeds. The case may be usefully referred to for what is said on the subject of what constitutes "good cause" for depriving a successful party of costs.