

**REVIEW OF CURRENT ENGLISH CASES.**

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**PRACTICE—DISCOVERY—LIBEL—JUSTIFICATION—PARTICULARS  
OF JUSTIFICATION—FACTS RELIED ON IN SUPPORT OF JUSTIFI-  
CATION.**

*Wooton v. Sievier* (1913) 3 K.B. 499. This was an action for libel. The plaintiff, an owner and trainer of racehorses, alleged in his statement of claim that the meaning of the libel complained of was that the plaintiff had been guilty of gross dishonesty in the training and running of horses, and particularly, that he had on several occasions conspired with other trainers and jockeys to defraud bookmakers and owners of racehorses and the public generally, for his own pecuniary gain. The defendant pleaded justification and under order delivered particulars ranging over a period of three years specifying a number of races, jockeys and horses, with the weights carried by them, and giving the names of certain trainers. Also numerous instances of races in which horses were said to have been "pulled" by their jockeys acting under the plaintiff's orders, with the result that other horses backed by the plaintiff had won. An application was made for further particulars, naming the bookmakers with whom the plaintiff was alleged to have backed the horses in question and the amounts of the bets respectively. This was refused by Bailhache, J. The plaintiff appealed. The Court of Appeal (Cozens-Hardy, M.R. and Kennedy, L.J.) allowed the appeal. Kennedy, L.J., who delivered the judgment of the Court, says that the following rules are established, viz.: In every case in which the defence raises an imputation of misconduct against the plaintiff, he ought to be enabled to go to trial with knowledge, not merely of the general case he has to meet, but also of the act which it is alleged he has committed, and upon which the defendant intends to rely as justifying the imputation. This rule is not limited to actions for libel, though it includes them. Further, as a general rule, it is now established that if the particulars are such as the defendant ought to give he cannot refuse to do so merely on the ground that his answer will disclose the names of persons he may intend to call as witnesses. The defendants were therefore ordered to deliver particulars of the "backing" by the plaintiff of horses mentioned in the particulars already delivered, specifying, where possible, in each case, the name or names of the person or persons with or through whom, and the time or times, and place or places, at which such "backing" took place.