

PRACTICE—DISCOVERY—DEFAMATION—PRIVILEGE—INQUIRY AS TO DEFENDANT'S GROUNDS FOR BELIEVING THE TRUTH OF WORDS SPOKEN—INQUIRY AS TO STEPS TAKEN BY DEFENDANT TO ASCERTAIN THE TRUTH OF DEFAMATORY WORDS.

In *Elliott v. Garrett* (1902) 1 K.B. 870, which was an action for defamatory words, in which the defendant pleaded that the occasion was privileged, the plaintiff by way of discovery sought to examine the defendant as to what information he had which induced him to believe that the words in question were true, and also as to the steps taken by him to ascertain their truth. Bucknill, J., refused to allow the questions. On appeal the Court of Appeal (Williams, Romer and Mathew, L.JJ.) decided that the plaintiff was entitled to the discovery sought, and reversed the order of Bucknill, J.

CRIMINAL LAW—EVIDENCE—PRISONERS JOINTLY INDICTED—CRIMINAL EVIDENCE ACT 1898, (61 & 62 VICT. C. 36) S. 1 (f) (iii)—(56 VICT. C. 31, D.).

The King v. Hadwen (1902) 1 K.B. 882, was a criminal prosecution of two persons jointly for offences under the Debtors Act. At the trial one of the prisoners gave evidence and in so doing incriminated the other, whose counsel claimed the right to cross examine him. Ridley, J., refused to permit the cross examination, and both prisoners were convicted. Upon a case stated by Ridley, J., the Court for Crown Cases (Lord Alverstone, C.J., and Lawrance, Wright, Bruce and Kennedy, JJ.) unanimously held that Ridley, J. was wrong in refusing to permit the cross examination, and quashed the convictions.

PROBATE ACTION—ACTION TO REVOKE PROBATE GRANTED UPON PROOF IN SOLEMN FORM—RES JUDICATA—FRAUD CHARGED AGAINST PERSON NOT PARTY—STAYING PROCEEDINGS.

In *Birch v. Birch* (1902) P. 130, the Court of Appeal (Williams, Stirling, and Cozens-Hardy, L.JJ.) after giving the plaintiff leave to adduce further evidence, reversed the judgment of Barnes, J. (1902) P. 62 (noted ante p. 342). The question at issue in the former action when the will in question was proved in solemn form was whether it was signed by the testator, and the present action was to set aside that judgment on the ground that it was obtained by the fraud of a person not a party to the action. The will in question was in the handwriting of one Sanders, who had sworn on the trial of the former action in June, 1900, that it had