

lunatic, answered: "Yes, her mother, with puerperal fever." The Judge in Chambers refused the motion, thinking the matter was one which ought not to be decided in Chambers; but the Court of Appeal (Smith and Chitty, L.JJ.) thought the application might be properly entertained under Rule 288, (Ont. Rule 261), and on the merits granted the application, holding that the occasion on which the alleged defamation took place, being a judicial proceeding, the statement was privileged and no action would lie therefor. See *Hubbuck v. Wilkinson*, ante, p. 185.

**ADMINISTRATION**—CITATION OF PERSON ENTITLED TO ADMINISTRATION.

*In the goods of Harper* (1899) P. 59, was an application made for administration; the applicant was the sole surviving brother of the deceased. It appeared that the father of the deceased had not been heard of since 1866, when he deserted his wife. Leave to cite the father was refused in the registry, on the ground that, if living, he and not the applicant would be entitled to administration; but on the matter being brought before Barnes, J., he directed the father to be cited.

**NEGLIGENCE**—SUNKEN WRECK—LIABILITY OF OWNER FOR NEGLIGENCE OF HIS CONTRACTOR.

*The Snark* (1899) P. 74, is an Admiralty case, in which the principle of *Hardaker v. Idle* (1896) 1 Q.B. 335, (see ante, vol. 32, p. 353,) was applied. The defendants were the owners of a barge which, without negligence on their part, was sunk in the fairway of a navigable river. They employed a proper person to conduct the salvage operations necessary to raise the barge, and for that purpose placed him in possession and control; but he negligently permitted the guard-vessel placed to mark the wreck to get out of position, and the plaintiff's steamer, coming up the river without negligence, ran upon the wreck and sustained damage. The defendants sought to throw the liability on the contractor whom he had employed; but Barnes, J., was of opinion that this was a case in which *Hardaker v. Idle* applied, as the defendants were bound to use reasonable care to warn other vessels of the position of the wreck, and would not escape responsibility by delegating the duty to another, and he accordingly gave judgment for the plaintiff. See and cf. *Holliday v. National Telephone Co.* (1899) 1 Q.B. 221, ante, p. 222.