

1 K.B. 975 (noted ante, vol. 47, p. 383) to the effect that where a solicitor's bill of costs is sent by post to the client, the date of delivery, for the purpose of bringing an action, is the date when in the ordinary course it would be delivered, and not the day of posting.

JUSTICES—DISMISSAL OF CHARGE—ORDER FOR PAYMENT OF COSTS BY PROSECUTOR—COSTS—POWER OF JUSTICES TO STATE A CASE—8 EDW. VII. c. 15, s. 6 (3)—(CRIMINAL CODE, ss. 736, 761.)

The King v. Allen (1912) 1 K.B. 365. In this case two policemen were charged before justices of the peace with having committed perjury. After hearing the evidence the justices dismissed the charge and ordered the prosecutor to pay the costs, on the ground that he had not acted bona fide. The justices then, at the request of the prosecutor, stated a case as to whether they were justified in ordering payment of costs. It was objected on the part of the defendants that in such circumstances the justices had no power to state a case, on the ground that the Summary Jurisdiction Act, 1879, only empowers justices to state a case when acting as a court of summary jurisdiction, and it was claimed that the justices in this case were merely acting as examining justices, and not as a court of summary jurisdiction; but the Divisional Court (Lord Alverstone, C.J., and Hamilton and Bankes, JJ.), were of opinion that the justices were acting as a court, and as such were bound to weigh the evidence judicially for the purpose of determining whether or not the accused should be committed for trial, and held that they had power to state a case; (see Criminal Code, ss. 736, 761;) but on the merits the rule was discharged.

PRACTICE—DISCOVERY—ADMISSION OF POSSESSION OF DOCUMENTS OTHER THAN THOSE PRODUCED—AFFIDAVIT OF DOCUMENTS—FURTHER AFFIDAVIT.

British Association of Glass Bottle Manufacturers v. Nettlefold (1912) 1 K.B. 369. The Court of Appeal (Cozens-Hardy, M.R., and Farwell, L.J.) overruled *Bucknill, J.*, on a point of practice. The defendant applied to compel the plaintiffs to file a better affidavit on production of documents, on the ground that their solicitors had admitted that the plaintiffs had another document in their possession in addition to those referred to in their affidavit, although also denying its relevance. On an application by the defendant that document was found to be relevant and was ordered