or allowed to them in account with" third persons, such qualifying words being inserted at the instance of the plaintiffs. Kay was of opinion that the burden of proving repayment, or allowance in account, rested on the plaintiffs.

VOLUNTARY ASSIGNMENT OF LEASEHOLDS—VENDOR'S LIEN.

A very short point was involved in *Harris* v. *Tubb*, 52 Chy.D., 79, namely, whether an assignment of leaseholds in consideration of paternal love and affection was voluntary or not. Kekewich, J., on the authority of *Price* v. *Jenkins*, 5 Chy.D., 619, held that it was not voluntary, although confessing to considerable doubt as to the correctness of the decision. The theory on which the case proceeds is that an assignee of a lease comes under responsibility for the rent and performance of covenants. In this case the effect of the decision was to enable the assignee to cut out a vendor's lien, to which his assignor's interest was subject.

The Law Reports for October comprise 23 Q.B.D., pp. 373-413; 14 P.D., pp. 131-150; and 42 Chy.D., pp. 93-208.

SHERIFF—ACTION FOR TAKING DEFAULTING DEBTOR TO PRISON WITHIN TWENTY-FOUR HOURS OF ARREST—32 GEO. II., C. 28, S. 1—ARREST UNDER DEBTORS' ACT.

Mitchell v. *Simpson*, 23 Q.B.D., 373, was a case in which the plaintiff having been arrested by the sheriff by virtue of an order made under the Debtors' Act of 1869, for making default in payment of debt, brought the present action against the sheriff for carrying him to prison within twenty-four hours of his arrest, being, as alleged, contrary to the provisions of 50 & 51 Vict., c. 55, s. 14, which is a consolidation of the 32 Geo. II., c. 28, s. 1 (which is still in force in this Province). The question was, whether the order for arrest was "an attachment for debt," and the Divisional Court (Denman and Charles, JJ.) were agreed that it was not, but was that and something more, namely, a punishment for contumacious conduct; and therefore the sheriff need not wait twenty-four hours after the arrest before taking such a debtor to prison.

PRACTICE—DISCOVERY—LIBEL—ACTION AGAINST PROPRIETOR OF NEWSPAPER—ADMISSION OF PUBLICATION—INTERROGATION AS TO NAME OF WRITER OF ALLEGED LIBEL.

In *Gibson* v. *Evans*, 23 Q.B.D., 384, it was held by Lord Coleridge, C.J., and Hawkins, J., that in an action against the proprietor of a newspaper for libel, who admits the publication and pleads an apology, the plaintiff is not entitled to examine the defendant as to the name of the writer, unless the identity of the writer is a fact material to some issue raised in the case.

PRACTICE—LIBEL—PLEADING—PAYMENT INTO COURT WITH DEFENCE DENYING LIABILITY—ORD. XXII R. 1—(ONT. RULE 632)—EMBARRASSING DEFENCE.

Fleming v. *Dollar*, 23 Q.B.D., 388, is another libel action, in which a question of pleading is discussed. The defendant by his defence partly justified the alleged libel, but wound up his defence with an admission that the words were