the will as though it had never been alienated. 2 Page, Wills § 1329 (2d ed. 1926). The court in the principal case, although treating the problem as one of revocation, reached a result which is in accord with the weight of authority. While the decision covered only general devises, the court's language indicates that the authority of the *Clevenger* case has been seriously weakened even as to special devises. The rationale of the decisions can be reconciled only on the tenuous distinction that a subsequent conveyance implies an intent to revoke a special devise of the property, whereas there is no implied intention to revoke when the conveyance is of property which has been generally devised.

Witnesses—Privileged Communication—Duty of Reporter to Disclose Name of Informer—[New York].—The appellant, a reporter on the New York American, had written an article concerning the "policy racket." A grand jury, then investigating gambling and lotteries in New York, summoned the appellant as a witness. Upon his refusal to disclose the names of persons mentioned in his article, he was adjudged guilty of, and committed for, contempt of court. The appellant, seeking a writ of *habeas corpus*, contended that the source of his information obtained as a reporter was confidential and privileged. *Held*, the order dismissing the writ is affirmed; a newspaper reporter may not refuse to answer pertinent questions relating to confidential communications. *People ex rel. Mooney v. Sheriff of New York County*, 199 N.E. 415 (N.Y. 1936).

The proper decision of a particular case requires the disclosure of all relevant data. A privilege from testifying will therefore be denied unless some strong reasons of public policy (*e.g.*, the desire to protect the confidential nature of a certain relationship) merit more consideration than the desire to secure all the information in the individual case. 5 Wigmore, Evidence § 2285 (2d ed. 1923). The principal case is in line with the unanimous common law authority which regarded the policy arguments in favor of holding privileged confidential communications to newspapermen as inferior to those calling for the disclosure of all pertinent information. *In re Wayne*, 4 U.S.D.C. Hawaii 475 (1914); *Ex parte Lawrence*, 116 Cal. 298, 48 Pac. 124 (1897); *Pledger v. State*, 77 Ga. 242, 3 S.E. 320 (1887); *Plunkett v. Hamilton*, 136 Ga. 72, 70 S.E. 781 (1911); *In re Grunow*, 84 N.J. L. 235, 85 Atl. 1011 (1913). It has been argued, however, that in making available the news necessary for the enlightenment of public opinion, especially as to matters involving the conduct of community and governmental affairs, journalists perform a valuable service that should be encouraged. See 45 Yale L. J. 357, 360 (1935). Influenced by this feeling, four states have by statute changed the orthodox rule so that confidential communications to newspapermen are absolutely privileged. Alabama (See New York Times, Jan. 8, 1936, p. 6); Calif. Stats. 1935, c. 532, § 6; Bagby's Md. Ann. Code 1924 c. 35, § 2; N.J. Acts. 1933, c. 167, § 2. But see Governor Horner's veto of such a bill for Illinois. 68 Ed. & Pub. 18 (July 20, 1935).

The conflict between those who would deny all privileges and those who would grant an absolute privilege to journalists might perhaps be resolved by the recognition of a privilege similar to that accorded in government official and informer cases. A privilege is there granted to encourage people to communicate to the proper officials whatever information they may have concerning crimes in which the government is interested. In the absence of a privilege protecting the informant's identity, the information would not be volunteered because of the informant's fear that those against whom he had

given information would initiate prosecutions or instigate persecutions. But this privilege, unlike other common law privileges, is not absolute. *Wilson v. U.S.*, 65 F. (2d) 621 (C.C.A. 3d 1933); *Centoamore v. State*, 105 Neb. 452, 181 N.W. 182 (1920); 5 Wigmore, Evidence § 2374 (2d ed. 1923). It may be granted or denied as the interests of justice, in view of the circumstances of the particular case, demand. The granting of a similar conditional privilege in newspaper cases might reconcile the policies of securing complete testimonial information and of making available all information necessary for the formulation of public opinion on matters of governmental and community concern. This rule of conditional privilege might be stated as follows: No person employed on a newspaper shall be compelled to disclose, at any trial or other proceeding, the source of confidential information relating to public affairs obtained by him for, and published in, the newspaper with which he is connected, *unless* it shall appear that the disclosure of said source will not result in any serious injury, either financial or personal, to the individual imparting such information to said newspaper employee. Such a rule would encourage the communication of information that would not, in the absence of the privilege, have been revealed; yet it would permit the court to compel the disclosure of information necessary for the just disposition of a case when, in the opinion of the court, the informant would not be seriously harmed.