

LIBEL—PRIVILEGED OCCASION—ASSOCIATION OF TRADERS FOR
MUTUAL PROTECTION—COMMUNICATION TO MEMBERS—JOINT
TORT FEASORS—UNINCORPORATED ASSOCIATION—PARTIES—
TORT.

London Association for Protection of Trade v. Greenlands (1916) 2 A.C. 15. This was an appeal to the House of Lords (Lord Buckmaster, L.C., and Lords Loreburn, Atkinson, and Parker) in a case known in the Courts below as *Greenlands v. Wilmshurst* (1913) 3 K.B. 507 (noted ante vol. 50, p. 23). The action was for libel against an unincorporated association, its secretary, and a third party, contained in a report furnished by the secretary of the association to a member as to the financial standing of the plaintiffs, based on information received by the secretary from the third party. At the trial the jury found that the third party had been guilty of malice in furnishing the information he did to the secretary; but that the secretary and the association were not guilty of malice, and the jury assessed the damages against the third party at £750, and against the association and the secretary at £1,000, and judgment was entered accordingly. On appeal by the association and the secretary, the Court of Appeal granted a new trial, and from this decision the present appeal was brought. It appeared that one of the members of the association, without any order authorizing him so to do, had entered an appearance for himself and all other members of the association, and when the case came to be argued in the House of Lords the plaintiffs' counsel agreed that in such circumstances the action could not be maintained against the association and agreed that as to the association the judgment must be set aside. It was attempted to maintain the action against the secretary on the authority of *Macintosh v. Dun* (1908) A.C. 390, but their lordships held that case to be distinguishable on the ground that the defendants in that case carried on business for profit, whereas in the present case the association did not, but merely combined for mutual protection, and therefore the secretary in furnishing information to an applicant must be regarded not as the agent of the association but as the confidential agent of the particular member who applied for information, and therefore that the occasion was privileged, and the secretary was not liable, and as to him the action was also dismissed. Lord Parker points out that the judgment which remained against the third party appeared to have been recovered in respect of an alleged libel which was not the subject of the action. Altogether, the remarks of the Lord Chancellor that "the case affords the unedifying spectacle of litigation conducted with such disregard of the rules of procedure that extrication from the resulting tangle