

being attended by circumstances of dishonesty, intimidation, molestation, or actual malice, is not actionable as a wrong by individuals, as a conspiracy, or as in restraint of trade (*Mogul Steamship Company (Lim.) v. M'Gregor, Gow & Co.*, 58 Law J. Rep. Q. B. 465)—(*dissentiente Esher, M.R.*).

*Bills of Exchange.*—If in an action on a bill of exchange, fraud or illegality is proved in the issue or negotiation of a bill, the holder must prove that value has been given, and that it has been given without suspicion of the fraud (*Tatham v. Hasler*, 58 Law J. Rep. Q. B. 432).

*Libel.*—Where the plaintiff moved for a new trial, and not for judgment on the pleadings in an action for libel, based on a pamphlet purporting to be the judgment of a judge, and intimated an opinion contrary to that of the Courts below: held that if a judgment is published which does not give a complete and substantially accurate account of the matter adjudicated upon, and the publication of it is unaccompanied by a report of the evidence, it is not privileged (*MacDougall v. Knight*, 58 Law J. Rep. Q. B. 537).

#### A WORKMAN'S TOOLS PERSONAL LUGGAGE.

At the Brentford County Court, on Friday, October 18, before His Honor Judge Stonor, the case of *White v. The London and South-Western Railway Co.* was heard. The plaintiff, a carpenter, sued the defendants for 15*l.*, the value of a box of tools which he had delivered to a porter at Basingstoke, stating at the same time the nature of its contents. The porter labelled the box, and put it into the luggage van of the train by which the plaintiff travelled thence to Hounslow, but on the arrival of the train at Hounslow the box was not forthcoming. The defendants resisted the claim on the ground that a workman's tools were not 'personal luggage.' His Honor cited the case of *Macrow v. The Great Western Railway Co.*, 40 Law J. Rep. Q. B. 300; L. R. 6 Q. B. Div. 622, where Lord Chief Justice Cockburn, in delivering the judgment of the Court of Queen's Bench, said: "We hold the true rule to be that, whatever the passenger takes with him for his personal

use or convenience, according to the habits or wants of the particular class to which he belongs, either with reference to the immediate necessities or to the ultimate purpose of the journey, must be considered as personal luggage. This would include not only all articles of apparel, whether for use or ornament, leaving the carrier herein to the protection of the Carriers Act (to which being held to be liable in respect of passengers' luggage as a carrier of goods he undoubtedly becomes entitled), but also the gun-case or the fishing apparatus of the sportsman, the easel of an artist on a sketching tour, or the books of the student and other articles of an analogous character, the use of which is personal to the traveller, and the taking of which has arisen from the fact of his journeying;" and his Honor held that the tools of a workman were as much 'personal luggage' as the easel of an artist or the books of a student, and the taking of which certainly arises from the fact of his journey to or from his work, which was its ultimate purpose, and that he was therefore entitled to recover. His Honor was pressed by counsel for the defendants with the case of *Phelps v. The London and North-Western Railway Co.*, 34 Law J. Rep. C. P. 249, where it was held that deeds of a client carried by an attorney to the assizes were not 'personal luggage'; but his Honor held that the present case was distinguishable from that case on the ground that the deeds in question in the latter were not the property of the attorney, and that they probably fell within the Carriers Act. His Honor also held that if the box of tools now in question were not 'personal luggage,' yet, as the porter took charge of it, and labelled and put it into the van, the defendants were liable, according to the case of *Cubitt v. The London and North-Western Railway Co.*, 31 Law J. Rep. C. P. 271, and entered a verdict for the plaintiff, with costs.—Judgment accordingly.

#### THE INCORPORATED LAW SOCIETY AND COMMISSIONERS FOR OATHS.

The following statement, prepared by the council of the Incorporated Law Society, as to what they consider to be the duties of