

ENGLISH CASES.

LIBEL BY SERVANT OF CORPORATION — LIABILITY OF COMPANY FOR MALICIOUS LIBEL.

Citizens Life Assurance Company v. Brown (1904) A.C. 423, was an action against a limited company to recover damage for a malicious libel written and published by one of its officers. The defendants contended that malice could not be imputed to a corporation, relying on the dictum of the late Lord Bramwell in *Abrath v. North Eastern Ry. Co.* 11 App. Cas. 247, 250, but the Judicial Committee of the Privy Council (Lords Macnaghten, Davey and Lindley, and Sir A. Wilson) declined to adopt that view, and held, affirming the judgment of the court below, that although the servant may have had no actual authority, express or implied, to write the libel complained of, if he did it in the course of an authorized employment the corporation is liable.

FINAL JUDGMENT — APPEAL — OMISSION OF FACT IN PETITION FOR SPECIAL LEAVE TO APPEAL — COSTS.

McDonald v. Belcher (1904) A.C. 429, was an appeal from the Supreme Court of Canada. The action was brought by executors to recover monies due to their testator's estate. At the trial the judge gave judgment in favour of the plaintiffs for an item of their claim amounting to \$50,000, and directed a reference as to the other items, reserving costs. According to the Yukon Territorial Act, 1899, s. 8, it was necessary to bring an appeal from a final judgment within 20 days, and the Supreme Court of British Columbia held that as to the \$50,000 the judgment was final, and an appeal therefore failed because not brought within 20 days. The defendants then appealed to the Supreme Court of Canada, which court, without considering the question of jurisdiction to entertain the appeal, reversed the judgments of the lower courts and granted a new trial. From that order the plaintiffs applied to the Judicial Committee of the Privy Council for special leave to appeal, alleging that the construction of the Yukon Territorial Act was a matter of general public importance, but omitted to state, as the fact was, that the Act had been repealed. Leave was