

COMMENTS ON CURRENT ENGLISH DECISIONS.

THE *Law Reports* for May comprise 20 Q. B. D. pp. 597-721 ; 13 P. D. pp. 73-88 ; 37 Chy. D. pp. 539-721 and 13 App. Cas. pp. 1-240.

SALE OF GOODS—STOPPAGE IN TRANSITU—DELIVERY ON BOARD SHIP.

Very few of the cases in the Queen's Bench Division seem to require notice here. In *Bethell v. Clark*, 20 Q. B. D. 615, the Court of Appeal (Lord Esher, M.R. and Fry and Lopes, L.JJ.), affirmed the decision of the Divisional Court, 19 Q. B. D. 553, which we noted *ante* vol. 23, p. 408. In this case, goods were purchased by London merchants of a firm in Wolverhampton, and the purchasers requested the vendors to consign the goods "to the *Darling Downs*, to Melbourne, loading in the East India Docks." The goods were delivered to the carriers to be forwarded to the ship. Subsequently the vendors, having heard of the purchasers' insolvency, notified the carriers not to deliver the goods, and the carriers notified the lightermen, but too late to prevent the shipment of the goods on the *Darling Downs*. The ship sailed with the goods on board for Melbourne, but before she arrived the vendors claimed the goods from the ship-owners as their property ; and it was held that the transit was not at an end till the goods reached Melbourne, and, therefore, that the vendors had the right to stop them in transitu, and that the notice to the ship-owners was in time. The result of the decision of the Court of Appeal seems to be summed up concisely in the following passage from the judgment of Lopes, L.J., viz.:—

"When a place is fixed by the directions given by the buyer to the seller as the ultimate destination of the goods, and, *a fortiori* if there is an express stipulation as to their destination in the contract of sale, the transit is not at an end until the goods reach that place."

LIBEL.—PUBLICATION—COMMUNICATION OF LIBEL BY HUSBAND TO WIFE—DEFACING WRITTEN CHARACTER OF A SERVANT—DAMAGES.

*Wennak v. Morgan*, 20 Q. B. D. 635, was an action against a husband and wife for libel and for malicious damage to a document. The injury complained of consisted in the defendant having written upon a written character, on the faith of which he had employed the plaintiff as a domestic servant, a statement to the effect that the plaintiff had been dismissed from the defendant's employment for staying out at night without leave. The character had been handed to the plaintiff, on his leaving the defendant's employment, by the defendant's wife. At the trial, Mathew, J., held that the defamatory matter had not been published by the husband handing it to his wife, and, therefore, as regards the alleged libel the action failed for want of proof of publication, and this view was sustained by the Divisional Court (Huddleston, B., and Manisty, J.). And as regards the injury to the testimonial of character, Mathew, J., held that the plaintiff could only recover nominal damages, and a verdict was entered for one shilling ; but on this point the Divisional Court overruled him, holding that it should be left to the jury to say whether the character had been left with the defendant so as to pass the