

law case which was opposed. The Court of Appeal (Williams, Stirling, and Cozens-Hardy, L.JJ.) declare that there is no rule of practice that such costs should abide the event of the new trial, and that in the absence of special circumstances the applicant should get them.

SLANDER—CHARGE OF BRINGING BLACKMAILING ACTION—ACTIONABLE WORDS—SPECIAL DAMAGE.

Marks v. Samuel (1904) 2 K.B. 287, was an action for slander. The words complained of were that the plaintiff had brought a blackmailing action. The words were proved, but no special damage was shown; the jury however gave a verdict for the defendant. The plaintiff applied for a new trial, which was granted by the Court of Appeal (Williams, Stirling, and Cozens-Hardy L.JJ.), on the ground that the words imputed a crime and were actionable without proving special damage, and because the Judge at the trial had not properly explained to the jury the issues to be tried.

LIBEL—FAIR COMMENT—IMPUTATION OF DISHONEST MOTIVES—MATTERS OF PUBLIC INTEREST.

Joynt v. Cycle Trade Publishing Co. (1904) 2 K.B. 292, was an action for libel contained in a newspaper. The alleged libel was a discussion of a matter of public interest in which the plaintiff had been professionally concerned as a solicitor, in the course of which article the defendants imputed to the plaintiff sordid and improper motives for his action. The jury gave a verdict for the plaintiff for £500 which the Court of Appeal (Williams, Stirling, and Cozens-Hardy L.JJ.) refused to disturb, on the ground that the imputation of improper motives could not be regarded as "fair comment," such imputation not being warranted by the facts.

RAILWAY—CARRIAGE OF GOODS—CONTRACT—OWNER'S RISK.

Foster v. Great Western Ry. (1904) 2 K.B. 306, was an action for damages for delay in the carriage of goods by a railway company. The contract provided that, in consideration of the goods being carried at a less rate than ordinary, the plaintiffs relieved the defendants from all liability for delay, except upon proof that such delay arose from wilful misconduct on the part of the defendants' servants. By mistake the defendants carried the goods past the station at which they ought to have been transferred to another