

that the article was intended to refer to him, though he did not reside in Peckham, nor was he churchwarden at that place. The action was tried by Channell, J., with a jury, who gave a verdict for the plaintiff for £1,750 damages, for which judgment was given. In the Court of Appeal (Lord Alverstone, C.J., Moulton and Farwell, L.JJ.) the judgment was affirmed, Moulton, L.J., dissenting, but the majority of the court was somewhat divided in opinion. Lord Alverstone, C.J., thought that where an untrue and defamatory statement is published without lawful excuse, which in the opinion of the jury refers to the plaintiff, the plaintiff is entitled to succeed, and it is immaterial that the defendant did not intend to refer to the plaintiff, the question of liability depending not on what was the defendants' intention, but whether it was understood by reasonable people to refer to the plaintiff. Farwell, L.J., on the other hand, thought that was not sufficient to found liability; that it was necessary for the plaintiff to shew that the defamatory statement was printed and published of him, but that this might be done not only by shewing the defendant's actual intention, but by shewing that the statement was made recklessly, and careless whether it fitted the plaintiff or not. In his opinion the question was not what the defendant meant, but what his words taken with the relevant and surrounding circumstances and fairly construed mean, and that the fact that the plaintiff was unknown to the defendant would not of itself be a conclusive defence. Moulton, L.J., on the other hand, was of the opinion that the onus lay on the plaintiff to establish affirmatively, that the defendant intended the defamatory statement complained of, to apply to the plaintiff, and that had not, in his opinion, been done in the present case.

LANDLORD AND TENANT—LEASE—MORTGAGOR IN POSSESSION—
BREACH OF COVENANT TO REPAIR—RIGHT OF MORTGAGOR TO
SUE LESSEE—CONVEYANCING AND LAW OF PROPERTY ACT,
1881 (44-45 VICT. C. 41) s. 10—JUDICATURE ACT, 1873 (36-
37 VICT. C. 66) s. 25(5), (ONT. JUD. ACT, s. 58(4)).

In *Turner v. Walsh* (1909) 2 K.B. 484 the Court of Appeal (Lord Alverstone, C.J., and Jelf and Lawrance, JJ.) reversed the judgment of Channell, J., on a ground not taken by the court below. The action was by a mortgagor in possession against a lessee of the mortgaged premises to recover damages for breach of a covenant to repair. Before Channell, J., the plaintiff relied