son, or by excluding him from intercourse on equal terms with his fellows. And they held written libels to be always actionable, because in those days writing was so rare an accomplishment, so much weight and importance was attached to anything written, that written defamation could hardly help affecting a man's reputation very seriously. But an English lawyer instinctively *hæret in cortice*; and thus the detailed rules became stereotyped as part of the law, while all idea of any broader principle was forgotten. So entirely has all reason been lost sight of that in the present day to charge a man with having a contagious disease is actionable, because it is *likely* to exclude him from society; yet if you show that other slanderous words have *in fact* excluded him from society, this does not make them actionable, for the law takes no note of such damage.

But its utter want of principle is not the worst defect of the law on this subject. Its practical working is infinitely worse. A moment's reflection will be sufficient to shew anybody that the class of slanders which people practically have to dread most, which inflict the greatest amount of pain, which occur most frequently, and which are most likely to lead to breaches of the peace and other evils abhorred by the law, are those which charge not transgressions of the criminal law, but of the social code, the code of honour– imputations of untruthfulness, cowardice, treachery, unchastity, and the like. And yet for such slanders the law provides no redress whatever, for they are not within the list of words actionable *per se*, nor are they likely to lead to such consequences as the law contemplates under the term special damage. A very few examples will be sufficient to illustrate the working of the present law. It is actionable to say of a man that he has the measles; it is not so to say he is a liar. It is actionable to say of an officer that he does not know his drill; but if you only say that he is in the habit of racing horses and does not run them fair, that he does not pay his losses at cards, and is guilty of other dishonourable practices, he has no redress. You must not say of a country gentleman that he has omitted to repair a bridge which he was bound to repair, for that is an indictable offence and you must not say that when sitting as a magistrate he leans against poachers, for that is slander of him in his office; but you may go about telling that he owes money to every tradesman in the parish, that he is a cruelly oppressive landlord, that he starves his servants, and is an unkind husband. You must not say of a surgeon that he is a bad operator; but you may tell any stories you please about his private life and to the discredit of his private character. And what is most scandalous of all, any one is at liberty to slander a women by imputations upon her chastity to any extent he pleases, the law provides no means for preventing him from doing so, for punishing him for his offence, or for giving compensation to his victim. Lord Campbell certainly did not exaggerate when he spoke (9 H. L. C. 593) of "the unsatisfactory state of our law, according to which the imputation, by words however gross, on any occassion, however public, upon the chastity of a modest matron or a pure virgin is not actionable without proof of special temporal damage to her;" nor Lord Brougham when he said that "such a state of thing can only be described as a barbarous state of our law."

Nor is the hardship of this state of the law very materially mitigated by the rule that slander becomes actionable if followed by special damage; for the law is clear that no special damage is sufficient for this purpose unless it be actual pecuniary injury, like the loss of custom by a tradesman, or at least the loss of some temporal and worldly advantage capable of being estimated in money, as the loss of a marriage by a lady has been said to be. The mental suffering caused by a slander and the loss of the world's respect and regard is no ground of action. In fact, so far has this doctrine been carried, that in *Lynch* v. *Knight*, 9 H. L. C. 577, first the Irish Exchequer Chamber, and afterwards the House of Lords, were divided upon the question, whether, if a person accused a wife of adultery, and in consequence of the accusation her husband turned her out of doors, this would be sufficient special damage to sustain an action. Several very learned judges in Ireland, and Lord Wensleydale in the House of Lords, thought it would not; for that the wife would only lose the pleasure of her husband's society; he would still be bound to support her, and therefore she would have suffered no loss which could be expressed in money.—*Solicitors' Journal.*

MAGISTRATES, MUNICIPAL, INSOLVENCY, & SCHOOL LAW

NOTES OF NEW DECISIONS AND LEADING CASES.

Fi Fa against Reeve returned nulla bona—Application for quo warranto—Evidence.—An application for an injunction in the nature of a *quo warranto* against a reeve for usurping the office, on the ground that a *fi. fa.* against him had been returned *nulla bona*, was founded only on an affidavit that one D. had recovered judg- against him, on which a *fi. fa.* issued and was placed in the sheriff's hands, and returned by him *nulla bona*. *Held* insufficient, for it should have been shown how and to whom the return had been made, and the writ and return should have been produced or proved. The rule *nisi* was therefore discharged with costs.—*In re Wood*, 26 Q. B., E. T. 513.

Summary Conviction—Appeal.—Under Con. Stat. U. C., cap. 114, an appeal from a conviction must be heard at the Court of Quarter