

*Assurance Co. v. Knott, supra.* The Vice Chancellor, Malins, said he should have no hesitation in stopping the defendant's act except for that case, and he was inclined to agree with a suggestion of the plaintiff's counsel that that case was controlled and superseded by the Judicature Act. But as the point was a new one he preferred to reserve his views until the hearing. When the cause came on for trial he granted the injunction, but did not refer to the effect of the statute; nor was it discussed by any of the judges on appeal, when the decree was affirmed. The opinions by James, Baggally and Bramwell are short, and no case is cited in either of them. Malins cited several cases of law and remarked, 'I think these cases establish this—I do not go into the general question of libel—but they have established the doctrine that where one man publishes that which is injurious to another in his trade or business, that publication is actionable; and, being actionable, will be stayed by injunction, because it is a wrong which ought not to be repeated.' The judges on appeal apparently go on the same ground.

The point was clearly raised and decided in *Beddow v. Beddow, 9 Ch. Div. 89*, the head note of which is as follows: "The extensive jurisdiction of granting injunctions originally given to the common law courts by the Common Law Procedure Act, 1854, ss. 79, 81 and 82, is now vested, by virtue of the Judicature Act, 1873, in the High Court of Justice. All acts, therefore, which a common law court, or a court of equity only, could formerly restrain by injunction, can now be restrained by the High Court. The jurisdiction of granting injunctions thus vested in the High Court is practically unlimited, and can be exercised by any judge of the High Court in any case in which it is right or just to do so, having regard to settled legal reasons or principles." See also *Hill v. Hart Davies, 21 Ch. Div. 798*.

To entitle the plaintiff to an injunction restraining the publication of a libel, it has been held that it must not merely be "untrue and injurious to the plaintiff," but "there must be also the element of *mala fides* and a distinct inten-