LIBEL.

The plaintiff was a manufacturer of a bag he called the "Bag of Bags." The defendant published the following concerning said bag: "As we have not seen the Bag of Bags, we cannot say that it is useful, or that it is portable, or that it is elegant. All these it may be, but the only point we can deal with is the title, which we think very silly, very slangy, and very vulgar; and which has been forced upon the public *ad nauseam*." *Held* (LUSH, J., dissenting), that a question was presented for the jury as to whether the above words were intended to disparage the plaintiff in the conduct of his business. Demurrer to declaration on said words overruled.—*Jenner* v. *A'Beckett*, L. R. 7 Q. B., 11.

LIEN.

1. By articles of association a bank was to have a lien on shares for money due from the shareholder. The bank was wound up, and its property sold to a second bank. Shareholders not subscribing to the second bank were paid £2 per share. *Held*, that the bank's lien extended to such sum, as representing a share.—*In re General Exchange Bank*, L. R. 6 Ch. 818.

2. Goods were carried by railway for a company on a credit account, a condition being that the railway was to have a general lien on such goods for all moneys due. Coke was put in trucks belonging to the company on the railway line, and there detained by the latter. *Held*, that a lien being a right to hold goods that had been carried in respect of such carriage, or, if so agreed, in respect of debts of the same character contracted in respect of other goods, to stop said coke before it had been carried, and hold the same for a debt, was contrary to the nature of a lien.—*Wiltshire Iron Co.* v. *Great Western Railway Co.*, L. R. 6 Q. B. (Ex. Ch.) 776; s. c. *ib.* 101.

NEGLIGENCE.

1. The defendants owned a railway bridge over a highway, supported by an iron girder resting upon brick piers, from which a brick fell on the plaintiff, shortly after the passage of a train. The bridge had been used three years at the time of the accident. *Held*, that the defendants were bound to use due care in providing for the safety of the public, and that the question of negligence was rightly left with the jury.—*Kearney* v. *London and Brighton Railway Co.*, L. R. 6 Q. B. (Ex. Ch.) 759; s. c. L. R. 5 Q. B. 511; 5 Am. Law Rev. 298.

2. Declaration that the defendant was possessed of yew-trees, the clippings of which he knew to be poisonous, whereby it became the duty of the defendant to prevent the clippings being placed on others' land, yet the defendant took so little care of the clippings that they were placed on land not the defendant's, where the plaintiff's horses lawfully being, eat of the same and were poisoned. *Held*, on demurrer that the facts alleged did not cast the alleged duty on the defendant.—*Wilson* v. *Newberry*, L. R. 7 Q. B. 31.

WARRANTY.

H. bought a horse warranted in a certain respect, to be returned before a certain day if not answering to its description. H. was told by a groom that the horse did not answer to the warranty, but took it home, where it met with an accident, whereupon H. returned it before the said day. *Held*, that neither the taking away the horse, nor its subsequent injury, deprived H. of his right to return it.—*Head* v. *Tattersall*, L. R. 7 Ex. 7.

CANADA REPORTS.

ONTARIO.

COMMON PLEAS.

REGINA v. MASON.

Criminal law—Larceny of Police Court information—Maliciously destroying same—Patent defect in indictment—Arrest of judgment after verdict—Reversal in Error—Police Court a Court of Justice within 32 & 33 Vic. ch. 21 sec. 18—Reservation of this question at Nisi Prius—C. S. U. C. ch. 112 sec. 1—Count for felony with allegations of previous convictions for misdemeanour—Misjoinder of counts.

Held, that the Police Court of the city of Toronto is a Court of Justice within 32 & 33 Vic. ch. 21 sec. 18, and that the prisoner was properly convicted of stealing an information laid in that Court.

Held, also, that maliciouly destroying an information or record of the said Court is felony within the same Act.

Held, also, that the Court will not arrest judgment after verdict, or reverse judgment in Error, for any defect patent on the face of the indictment, as by 32 & 33 Vic. ch. 29 sec. 32, objection to such defect must be taken by demurrer, or by motion to quash the indictment.

Whether the Police Court is a Court of Justice within 32 & 33 Vic. ch. 21 sec. 18, or not, is a question of law which may be reserved by the Judge at the trial, under Consol. Stat. U. C., ch. 112 sec. 1, and where it does not appear by the record in Error that the Judge refused to reserve such question it cannot be considered upon a writ of Error.

Where an indictment contains one count for larceny, and allegations in the nature of counts for previous convictions for misdemeanors, and the prisoner, being arraigned on the whole indictment, pleads "not guilty," and is tried at a subsequent assize, when the count for larceny only is read to the jury, *Held*, no error, as the prisoner was only given in charge on the larceny count.

It is not a misjoinder of counts to add allegations of a previous conviction for misdemeanor, as counts, to a count for larceny, and the question, at all events, can only be raised by demurrer, on motion to quash the indictment under 32 & 33 Vic. ch. 29 sec. 32; and where there has been a demurrer to such allegations, as insufficient in law, and judgment in favour of the prisoner, but he is convicted on the felony count, the Court of Error will not re-open the matter on the suggestion that there is misjoinder of counts.

An indictment describing an offence within 32 & 33 Vic. ch. 21 sec. 18, as feloniously stealing an information taken in a Police Court, is sufficient after verdict.

[22 C. P. 246.]

Error upon two judgments, entered upon convictions found at the Court of Oyer and Terminer