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In the case of *Cox* v. *Hakes*, the House of Lords decided, Aug. 5, that the Court of Appeal in England had no jurisdiction to hear an appeal from the granting of a writ of *habeas corpus*. The Queen's Bench division made absolute a rule for a *habeas corpus*. The Court of Appeal reversed this order. Then an appeal was taken to the House of Lords. The arguments were confined to the question whether any appeal lay from an order granting a writ of *habeas corpus*. The case was twice argued. The first hearing took place before the Lord Chancellor (Halsbury), Lords Fitzgerald, Herschell and Macnaghten, the argument occupying part of three days. Nearly a year afterwards the case was reargued before the Lord Chancellor, and Lords Watson, Bramwell, Herschell, Macnaghten, Morris and Field, when after a long *délibéré* the judgment of the Court of Appeal was reversed, Lords Morris and Field dissenting. This case has some resemblance to *Mission de la Grande Ligne & Morissette*, M. L. R., 6 Q.B. 130.

On the question of damages, which is so frequently coming up, it may be useful to refer to the recent case of *Praed* v. *Graham*, 59 Law J. Rep. Q.B. 230. The action was for libel, and the jury had awarded £500. The High Court, and subsequently the Court of Appeal, refused to order a new trial for excess of damages, Lord Esher, M.R., enunciating the rule as derived from the authorities to be that, if the damages are so large that no reasonable men ought to have given them, the Court ought to interfere, but otherwise not. In the twentieth chapter of the fourth edition of 'Mayne on Damages' (says the *Law Journal*) all the authorities will be found collected, and it will appear from a perusal of them that the rule of *Praed* v. *Graham* is not limited to cases of libel or even to cases of tort, but includes cases of breach of contract also, where, as in an action for breach of promise of marriage, exact calculation is impossible. 'The case must be very gross, and the damages enormous, for the Court to interpose,' it was said by Mr. Justice Yates one hundred and twenty years ago in *Bruce* v. *Rawlins*, 3 Wils. at page 63, where the jury gave £100 in an action for trespass, though 'very little or no damage was done;' and the judgment in *Praed* v. *Graham* is merely a repetition of the same rule in different words.

SUPERIOR COURT—MONTREAL.[1]

Libel—Candidate for election to the legislature—Charge of being a Freemason or Orangeman—Damages.

Held:—1. That when a person is offering himself for election to the legislature, newspapers have a right, in the public interest, to state the truth respecting his character and qualifications; and therefore a statement, true in itself, that a candidate is a Freemason is not ground for an action of damages.

2. A term not injurious in itself may become injurious from the intent of the writer or speaker in its application. Hence to allege falsely of a candidate for election to the legislature, that he is an Orangeman, in a community where Orangeism is held in detestation by a large pr oportion of the people, is an *injure*, and under Art. 1053 C.C., gives rise to an action of damages.

3. As to the amount of damages, no substantial damages being proved, the Court of Review reduced the amount from $500 to $100, with full costs of suit.—*Noyes* v. *La Cie. d'Imprimerie et de Publication*, in Review, Johnson, Ch. J., Wurtele, Davidson, JJ., May 31, 1890.

Simulated sale—Deed intended to operate as pledge of effects to creditor as security for advances.

A manufacturer of farming implements obtained advances to buy machinery which was placed by him in a building belonging to him. He then made a sale of the machinery to the person who furnished the ad-

[1] To appear in Montreal Law Reports, 6 S.C.