

cient to free the plaintiff from responsibility for his act. Passages in the judgments of Baron Bramwell in *Britton v. The Great Western Cotton Company*, 41 Law J. Rep. Exch. 99, and of Lord Justice Mellish in *Woodley v. The Metropolitan Railway Company*, L. R. 2 Ex. D. 384, have also been cited in support of this view; but it must be observed that in both these cases the learned judges considered that there was not sufficient evidence that the plaintiff understood the "extent" or "nature" of the risk which he was running, as to which there was no doubt in any of the cases I have cited, nor is there in the present case. Upon the whole, I feel bound by the cases of *Yarmouth v. France*, *Membury v. The Great Western Railway Company*, and *Thursell v. Handyside* to decide the present case in favour of the plaintiff. I do not forget that the plaintiff had notice of discharge on the day in question, and that the direct pecuniary loss to him would only have been 8d. or 1s. 4d. at most, if he had then discharged himself rather than continue his work at the risk in question; but he might have offended his employers by so doing, and jeopardised his future employment, and the case appears to me exactly the same in principle as those I have cited, and nowise materially distinguishable therefrom in its details."

SLANDER AND THE MARRIED WOMEN'S PROPERTY ACT.—Two cases in which the presence of a married woman complicated the application of the law of defamation are recently noted. In *Lemon v. Simmons* an action was brought for slandering the plaintiff by accusing him of robbing his wife. No special damage was shown, and the question arose whether a husband can rob his wife in the sense that he may be indicted for it. Mr. Justice Day appears to have left the question whether a criminal charge was made to the jury, who gave £25 damages, but the Divisional Court entered judgment for the defendant, holding that the charge was made under such circumstances that it was incapable of meaning that the defendant had robbed his wife so as to constitute an indictable offence under the Married Women's Property Act. If this be sound law, it will be impossible for a husband to obtain redress for this kind of slander unless the defendant uses a copy of the Married Women's Property Act, and recites all the conditions under which a husband may rob his wife. In *Wennhak v. Morgan* the question was whether a husband can publish a libel by giving it to his wife, and the court held that they were one person in law, and the publication to the wife was no publication at all. If identity were the test, publication to the wife of a libel on her husband would not be a publication at all, and the contrary has been held (*Wennman v. Ash*, 22 Law J. Rep. C. P. 190). Mr. Justice Maule seems best to have disposed of this metaphysical test when he said that for a man to murder his wife is not suicide. The libel in question was written on a paper containing the record of character of the plaintiff. Mr. Justice Mathew gave the plaintiff only nominal damages in respect of this cause of action, and the Divisional Court appear to have created a new cause of action in sending the case back for the jury to say whether the defendants acted maliciously or *bona fide*, which looks very much as if, after deciding that husband and wife are one in law, they were held to be capable of conspiring together.—*Law Journal* (Eng.).