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## DECISIONS IN COMMERCIAL LAW.

**HOPE V. BRASH.**—The action was brought for a libel published in a newspaper belonging to the defendants, who by their defence admitted the publication of the libel, and pleaded that the libel was published by them without actual malice and without gross negligence; that before the commencement of the action they published in their newspaper a full apology for the libel and they paid into Court a sum of money in satisfaction of the plaintiff's claim. In their affidavit of documents they stated that they had in their possession or power the documents relating to the matters in question in the action, one of which was a manuscript of the matters published in their newspaper, but they objected to produce it on the ground that it was the original contribution to them, and was that which was published by them as admitted in the statement of defence, and as to which they admitted responsibility. The Court of Appeal in England held that where in an action against the proprietors of a newspaper for a libel published in the paper the publication and responsibility for the libel are admitted, the Court as a general rule will not order the original manuscript of the libel to be produced for inspection. They were of opinion that there were no special circumstances in the present case by reason of which the Court ought to depart from the general rule.

**MACAULAY V. POLLEY.**—The Court of Appeal in England has decided that a solicitor has no power in the absence of express authority to compromise a claim on behalf of his client before an action has been commenced.

**Re MAGNOLIA METAL COMPANY'S TRADE MARKS.**—The Court of Appeal in England decided that, in absence of special circumstances, the geographical expression used under the patent Acts must be construed in accordance in some degree with the general and popular meaning of the words, and not be held to denote a name which is commonly known in a non-geographical sense; and where the places called by such expression are hardly known, though however little known the places called by that name may be, yet if the name has been given to an article manufactured in one of those places it is a geographical name, as, for instance, "Apollinaris"; and the court held in this case, where name Magnolia had been applied to a compound metal with reference only to the name of the flower, that it was not disentitled to be registered as a trade mark, because there was some obscure places in America called by that name, though it was held disentitled on other grounds.

The importers of Toronto, who asked for a ruling from the Customs Department regarding the payment of the rebate of one-eighth on French goods imported through England, have received a reply. It states that goods sent through Great Britain on a through bill of lading will be treated as direct shipments, or if it can be shown that the goods remain in the carriers' hands in Great Britain in transit, or forwarded in the original packages. Evidence of such through transportation in the form of shipping bills should be furnished the collector, and be attached to the entry inwards, in order to pass goods at and be reduced. This ruling means that goods may be purchased in France or any other country entitled to the one-eighth rebate, and if shipped by way of England in the original packages will still receive the rebate.

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