

from all the members was passed and the officials of the union proceeded to levy it. The plaintiff claimed that, in the absence of rules empowering such levy to be made, it was ultra vires and illegal and should be restrained by injunction. The action was tried in a County Court and dismissed, and the Divisional Court (Darling and Phillimore, JJ.) affirmed the judgment on the ground that although the levies might be irregular as not being provided for by the rules, yet as the purposes for which the levies were made were authorized by the rules, they were not illegal or ultra vires; and therefore the Court ought not to interfere.

DEFAMATION—LIBEL—PRIVILEGED OCCASION — PUBLICATION TO
CLERKS OF COMPANY—REASONABLE AND ORDINARY COURSE OF
BUSINESS.

In *Edmondson v. Birch* (1907) 1 K.B. 371 the Court of Appeal (Collins, M.R., and Cozens-Hardy and Moulton, L.JJ.) have followed *Borsius v. Goblet* (1904) 1 Q.B. 842 (see ante, vol. 30, p. 392), which case it may be remembered explained and qualified *Pullman v. Hill* (1891) 1 Q.B. 524 (see ante, vol. 27, p. 236). In the latter case it had been held that the publication of a defamatory letter written by a wine merchant, to his clerk for the purpose of copying it was not privileged and rendered the merchant liable to the person defamed; but in *Borsius v. Goblet*, it was held that publication to a clerk in the ordinary course of business was privileged, in that case the defamatory matter being contained in a letter written by a solicitor on behalf of his client in the ordinary course of business. In the present case the defendants were a company in London having business relations with a company in Japan, and the Japan company employed the plaintiff and it was understood that they should write to the London company to ascertain if they approved of the engagement. The London company's manager telegraphed back in cipher, "have no dealings with Edmondson give notice of dismissal." This telegram was copied into the defendant company's cable book together with a translation of it by one of the defendant company's clerks. The case was tried by Lawrence, J., and jury, and a verdict and judgment were given in favour of the plaintiff. The defendant appealed and moved for judgment, or for a new trial, and the Court of Appeal held that the letter being written in the ordinary course the publication to the defendant's clerks