

RECENT ENGLISH DECISIONS.

P. 313: "Here is a man, who had been in the employ of the plaintiffs, making to their customers slanderous statements with regard to the business of the company, and trying to induce the customers not to pay the sums which they owe to the plaintiffs. The Court has of late granted injunctions in cases of libel, and why should they not also do so in cases of slander? It is clear that slanderous statements, such as were made to old customers in this case, must have a tendency materially to injure the plaintiffs' business; they are slanders, therefore, spoken against their trade. It is not necessary, therefore, in my opinion, to show that loss has actually been incurred in consequence of them. If they are calculated to do injury to the trade, the plaintiffs may clearly come to the Court. There is, no doubt, more difficulty in granting an injunction as regards spoken words than as regards written statements, because it is difficult to ascertain exactly what is said. But when the defendant is proved to have made certain definite statements, such as are mentioned in the order, in my opinion an injunction is properly granted to prevent his repeating them. The defendant, though no doubt the tongue is an unruly member to govern, must take care that he keeps his tongue in order, and does not allow it to repeat those statements which he is by the injunction restricted from uttering." Bowen, L. J., says, at p. 315: "Now, has the Court jurisdiction to grant such an injunction? It seems to me to be clear that it has. There is a wrong done which is actionable if it has been committed, and which naturally would, if repeated or persisted in, affect injuriously the property or trade of the plaintiff company. It has been held since the Judicature Act, that a plaintiff is entitled to the protection of the Court against a wrong of that sort which is contained in a written document; that is

to say, the Court will restrain the publication of a libel which is immediately calculated to injure the property and trade of the person against whom it is directed. Then can there be any distinction in principle between a slander which is contained in a written document and a slander which is not? In the case of *Thorley's Cattle Food Company v. Massam*, L. R. 14 Ch. D. 763, and *Thomas v. Williams*, ib. 864, the Court interfered to restrain the slander which was placed upon paper; so that clearly in the case of such written slander as is naturally attended with injury to property and business, the Court has jurisdiction to interfere, and it appears to me that the same principle must apply to spoken slander."

MANDATORY INJUNCTION.

In this case, also, a mandatory injunction was also asked for to compel the defendant to withdraw certain notices as to forwarding letters which he had given to the post-office authorities. It was objected that the Court would not grant such an injunction upon interlocutory application, except in special cases. It is worth while, therefore, to call attention to the words of Cotton, L. J., at p. 314:—"This Court, when it sees that a wrong is committed, has a right at once to put an end to it, and has no hesitation in doing so by a mandatory injunction, if it is necessary for the purpose."

LECTURE—PUBLICATION OF—INJUNCTION.

In *Nicols v. Pitman*, p. 375, Kay, J., granted an injunction to restrain the defendant from publishing a certain lecture which had been delivered by the plaintiff, at a certain workingman's college, and which the defendant had taken down in shorthand, and published. Kay, J., referred at length to Lord Eldon's judgment in *Abernethy v. Hutchinson* 3 L. J. (Ch.) 209, and says as to it:—"It is quite true that the learned judge seems at one