

ing upon a security not belonging to the customer and deposited for another purpose, although the court conceded that the bank would not have been affected by any misapplication by Cancellor of moneys actually borrowed by him on the securities in question.

SAVAGE DOMESTIC ANIMAL—SCIENTER—LIABILITY OF OWNER OF DANGEROUS ANIMAL—TRESPASSER.

In *Lowery v. Walker* (1909) 2 K.B. 433, the defendant, a farmer, was owner of a savage horse which had previously bitten human beings to the defendant's knowledge, and he kept the horse in one of his fields through which there was a footpath along which, as the defendant knew, numbers of the public had for thirty-five years habitually trespassed in order to make a short cut from a highway to a railway station. The plaintiff, while thus trespassing on the field, was bitten by the horse. The defendant had frequently interfered with people using the footpath, but had never taken any legal proceedings for the purpose of stopping trespassers, and gave as a reason that most of the trespassers were his own customers. The County Court judge who tried the action, held that in these circumstances the defendant was liable to the plaintiff, but a Divisional Court (Darling and Pickford, JJ.) reversed his decision, on the ground that the plaintiff being a trespasser had no right of action.

DEFAMATION—LIBEL IN NEWSPAPER—PUBLICATION—INTENTION TO DEFAME PLAINTIFF.

*Jones v. Hutton* (1909) 2 K.B. 444 was an action of libel against a newspaper proprietor, in which the facts were somewhat extraordinary. The plaintiff's baptismal name was "Thomas," but he had assumed also the name of "Artemus," and was known as "Thomas Artemus Jones," or "Artemus Jones." He was a practising barrister. In the defendants' newspaper an article was published purporting to give an account of the proceedings of "Artemus Jones" at Dieppe, who was represented as being with a woman who was not his wife and who must be "the other thing," and as the frequenter of the Casino turning night into day and betraying an unholy delight in female butterflies, whereas in England Mr. Jones was represented to be a churchwarden at Peckham. Neither the writer or publisher intended the article to refer to the plaintiff, and the writer supposed he was describing a fictitious and non-existent person. The plaintiff proved that his friends and acquaintances thought