I cannot see that the note having been made to the treasurer, and by him endorsed to the plaintiff, would alter the case, and I must therefore hold that the plaintiffs can recover.

Judgment for plaintiffs.

ENGLISH REPORTS.

QUEEN'S BENCH.

FUENTES AND ANOTHER v. MONTIS AND ANOTHER.

Principal and agent—Factors Acts, 6 Geo. IV., c. 94; 5 & 6 Vic. c. 39—Authority of factor to pledge goods—Revocation.

If a principal entrusts goods to a factor for sale, and afterwards revokes the authority and demands back the goods, the factor is not "entrusted with the possession of goods" under the Factor Act, and cannot make a valid pledge of the goods.

[Dec. 1, 1868, 17 W. R. 203.]

Appeal from a decision of the Court of Common Pleas, discharging a rule to enter a verdict for the defendants.

The facts of the case, with the material sections of the Acts of Parliament, are fully set out in 16 W. R. 900 (and see L. R. 5 C. P. 268).

Pollock, Q.C. (*Archibald* with him), for the defendants, referred to the same authorities in the court below.

Sir. G. Honyman, Q. C. (*Channell* with him), for the plaintiffs, was not called upon.

COCKBURN, C. J.—I think it is quite clear that the judgment of the Court of Common Pleas was right. Mr. Pollock has been obliged to admit that but for the last Act, 5 & 6 Vic. c. 30, he would have no *locus standi*. By the law as it stood before the passing of that Act a man could only deal with goods which he had in his possession as the owner of them, if it was not known that he had possession of them as agent; but by it the power of dealing goods was extended, and it was enacted that "any agent entrusted with the possession of goods, or of the documents of title to goods, should be taken to be the owner of the goods," for the purpose of protecting persons making *bonâ fide* advances even with the knowledge of the agency. Mr. Pollock has contended that the proper construction of that Act is, that if a man has once been an agent he is still an agent, though the agency has been put an end to by a communication from the principal unknown to the public; and in like manner that if a man has once been entrusted he is still entrusted, though his authority has been terminated in a similar way. I think that if that had been the intention of the Legislature it would have been so expressed, and that we must not translate the language of the Act which is in the present tense as if it were in the past tense.

Kelly, C.B., Bramwell, B., Channell, B., Pigott, B., and Hayes, J., concurred.

DAW v. ELEY.

Ex parte COLLETTE.

Contempt of Court—Publications by a solicitor in the cause of matters in the suit—Costs.

A solicitor to a defendant in a suit wrote anonymous letters to a newspaper stating as facts the matters relied on by the defendant, which were in fact the issues which would have to be tried in the cause by a jury.

Held, that he was liable to be committed for contempt.

The editor of the journal allowed the letters to be published as part of a general controversy carried on in his columns, but refused to admit letters on the other side, and continued to publish the letters after he knew that the writer was a solicitor to the defendant.

Held, that he was not entitled to the costs of a motion to commit him, which was refused.

[Dec. 15, 1868, 17 W. R. 245.]

This was a motion to commit Charles Hastings Collette, the solicitor of the defendant in the suit, for contempt of court in publishing certain letters relating to matters in question in the suit.

There was also a motion to commit the editor of the *Volunteer Service Gazette* in which the letters had appeared.

The bill was filed early in the year 1868 to restrain the infringement of a patent obtained by the plaintiff for the manufacture of copper-cased cartridges for breech-loading rifles. The defence to the suit raised the issue of the novelty of the invention.

Some correspondence had been carried on in the *Volunteer Service Gazette* as to the respective merits of the various systems of manufacturing breech-loading cartridges, without any direct reference to the pending suit, or to the question of the priority of the invention of the coppere cased cartridges, and the number of the *Gazett*- for the 26th of September contained a leading article merely discussing the general merits of the question. In the same issue, however, there appeared the first of a series of letters signed "Copper Cap." These letters expressly raised the questions in the suit, and asserted as facts the matters relied upon by the defendant in the suit. They referred to a provisional specification obtained by a Mr. Rochatte, of Paris, as being an anticipation of the plaintiff's patent, and stated that one portion of the cartridge called the "anvil," and claimed as new by the plaintiff, was only a modification of a system previously in use and introduced by a Mr. Pottet.

The plaintiff sent letters for publication to the *Volunteer Service Gazette*, in answer to the letters signed "Copper Cap," but the editor declined to insert them, alleging that they contained expressions which were wanting in due courtesy to those who supported the opposite contention. On inquiry it appeared that the writer of the letters signed "Copper Cap" was the solicitor of the defendant, and the plaintiff moved as above-mentioned.

Jessel, Q. C., and *Russell Roberts*, in support of the motion, contended that the publication of these letters was distinctly calculated to interfere with the due prosecution of the suit. The issues raised were as to questions of fact, and would have to be tried before a jury. The general public were largely interested in the question, and especially the Volunteers, who were the chief readers of the *Volunteer Service Gazette*, and some of whom it would be desirable to have upon the jury. They referred to *Tichborne* v. *Tichborne*, 15 W. R. 1072, and *Lechmere* v. *Charlton*, 15 Ves. 193, and to a similar recent motion*

*This was a motion made on the 12th November, 1868, to commit the editor of a Sheffield newspaper for an article in reference to the then pending Parliamentary election at Sheffield. The article set out portions of a bill of complaint filed against the directors of the Exchange Bank, one of whom was Mr. Roebuck. He was also one of the candidates for Sheffield, and the newspaper in question was conducted by his political opponents, and the article made use of the allegations of the bill for the purpose of injuring his candidature. Lord Romilly, M. R., held that