

là, qu'il me dit : "Tu ne veux pas que je te possède comme cela, mais je t'aurai tout de même, car un jour je te tuerai et après je te prendrai comme je voudrai."

J'étais une épouse résignée et jamais je n'ai refusé à mon mari ce que le mariage lui permettait d'exiger. Un jour est venu où, de dégoût, je l'ai quitté pour me réfugier chez ma mère. Je ne l'ai revu qu'involontairement le jour de son arrestation. On criait dans la rue : "On vient d'arrêter le vampire!" Je descendis pour voir... En reconnaissant Blot, je suis tombée évanouie et c'est depuis ce jour que je souffre d'une affection au cœur.

28 août 1886.—M. le substitut Allard soutient énergiquement la prévention.

Puis Me Signorino présente avec un grand talent la défense de Henri Blot.

Le Tribunal se retire pour délibérer.

Au bout d'une demi-heure, il rentre en séance.

Blot est acquitté sur le chef d'outrage public à la pudeur, le viol, qu'on lui reproche, n'ayant pas été commis dans un lieu *public*, puisqu'à deux heures du matin, le cimetière de Saint-Ouen est fermé.

Henri Blot est condamné pour violation de sépulture et coups à deux ans de prison.

ACTION FOR MALICIOUS PROSECUTION AGAINST A CORPORATION AGGREGATE.

It is rather startling to find, at this time of day, that, notwithstanding the number of cases taken up to the House of Lords by railway companies, it should still be a matter of doubt whether an action for malicious prosecution will lie against a corporation aggregate. That such doubt does exist, may be seen from the judgment of Lord Bramwell, in the case of *Abrath v. The North-eastern Railway Company*, 49 L. T. Rep. N. S. 619; 11 App. Cas. 247. In that case, where an action had been brought to recover damages for an alleged malicious prosecution, his Lordship said: "I am of opinion that no action for a malicious prosecution will lie against a corporation. I take this opportunity of saying that, as directly and as peremptorily as I possibly can; and I think

the reasoning is demonstrative. To maintain an action for a malicious prosecution, it must be shown that there was an absence of reasonable and probable cause, and that there was malice or some indirect and illegitimate motive in the prosecutor. A corporation is incapable of motive or malice. If the whole body of shareholders were to meet and in so many words to say: "Prosecute so and so, not because we believe him guilty, but because it will be for our interest to do it," no action would lie against the corporation, though it would lie against the shareholders who had given so unbecoming an order." Lord Fitzgerald and the Earl of Selborne declined to express any opinion on the important question raised by Lord Bramwell, as no argument had been addressed to the House upon it, and as the House had arrived at the conclusion, upon other grounds, that the judgment of the Court of Appeal should be affirmed. But when one bears in mind the strong terms of Lord Bramwell's judgment, it may be anticipated that at no very distant date some railway or other company will be courageous enough to challenge in the House of Lords the contention that an action will lie against them for malicious prosecution. Considering the number of actions of that kind which have been brought against companies, it is difficult to say that the weight of authority is not against the statement of the law laid down by Lord Bramwell, but at the same time it must be remembered that the question has never before been raised before the highest tribunal.

One of the earliest cases bearing on this subject is *Yarborough and others v. The Governor and Company of the Bank of England*, 16 East, 6, where Lord Ellenborough delivered an elaborate judgment, holding the defendants to be liable to an action of trover, and laying down that a corporation can be guilty of a trespass or a tort. "Whenever," said his Lordship, "they can competently do or order any act to be done on their behalf, which as by their common seal they may do, they are liable to the consequences of such act, if it be of a tortious nature, and to the prejudice of others." Again, in 1851, in the *Eastern Counties Railway and Richardson v.*