

in reference to the annual balance sheets and solvency of the society. In referring to *Dixon v. Holden*, the Vice-Chancellor said:—"It is not for me to say that the rule so laid down is erroneous; but I think it was wholly new, and that nothing whatever was said in the case of *The Emperor of Austria v. Day*, or in any other case, except possibly in the peculiar and very different case of *Springhead Spinning Co. v. Riley*, which supports it in any way."

In *Prudential Assurance Co. v. Knott*, *L. R. 10 Ch. App. 142*; *Dixon v. Holden*, and *Springhead Spinning Co. v. Riley*, were expressly overruled. The Lord Chancellor (Cairns) affirmed that "it is clearly settled that the Court of Chancery has no jurisdiction to restrain a publication merely because it is a libel."

In 1873 the Judicature Act was passed in England. By it the Court of Chancery acquired the jurisdiction vested in the common law courts under the sections of the Common Law Procedure Act already quoted. This section would undoubtedly have justified the court in returning to Vice Chancellor Malins' view of the law, but its potency does not appear to have been at once observed.

The first case after the introduction of the Judicature Act appears to be that of *Thorley's Cattle Food Co. v. Massam*, *6 Ch. Div. 582*; *14 Ch. Div. 762*. Joseph Thorley had extensively advertised and sold a compound under the name of "Thorley's Food for Cattle." The process of manufacture was not patented and was known not only to Mr. Thorley but also to his brother, who managed the business. After Joseph died, the business was continued by the defendant, his executor, but the surviving brother withdrew from the management, organized the plaintiff's company, and began the manufacture of the same food compound and under the same name as before. Thereupon the defendant, by circulars cautioned the public against purchasing any of "Thorley's Food for Cattle" not made by his establishment, "the proprietors of which were alone possessed of the secret for compounding the famous condiment." The defendants rested their case on *Prudential*