being argued in more than one way. Must one of the counsel withdraw simply because the Court will only hear a partial statement of their views? Surely the parties most interested in success can be trusted to look after their own interests; and, as the object of the Court is to get at the rights of the case, what objection can there be to hear all that can be said about the case?

## *RECENT ENGLISH DECISIONS.*

Continuing to review the cases in the September numbers of the Law Reports, the next case in the September number of the Q. B. D. is the much discussed one of *Chamberlain* v. *Boyd*, p. 407.

DEFAMATION—SLANDER—REMOTENESS OF DAMAGE.

It will be remembered that two brothers of Mr. Chamberlain, a member of the present English ministry, were rejected on their standing as candidates for the Reform Club in London. At the time of their rejection the power of electing new members was in the hands of the members of the club. It was afterwards proposed to transfer the power of election of members to the committee of the club, but this proposed alteration of the regulations of the club was not carried. One of the rejected Chamberlains now brought this action against a member of the club, seeking damages against him, and setting out in his claim that by reason of certain defamatory statements "the defendant induced, or contributed to inducing a majority of the members of the club to retain the regulations under which the plaintiff had been rejected, and thereby prevented the plaintiff *from again seeking to be elected to the said club.* The plaintiff thus lost the advantage which he would have derived from again becoming a candidate, with the chance of being elected. And the plaintiff suffered in his reputation and credit." The defendant demurred, and the Court of Appeal unanimously sustained the demurrer on two grounds: (1) because no damage was alleged in respect of which the law allows an action to be brought; (2) because the alleged damage was not the natural and probable result of the words complained of. As to the first point Lord Coleridge, C.J., observes that "the damage alleged is unsubstantial and shadowy, and is in truth incapable of being estimated in money; and where words spoken, as in the present case, are not actionable in themselves, they can become actionable only when they have been followed by pecuniary or temporal damage." And as to the second point the opinions of the Law Lords in *Lynch* v. *Knight*, 9 H.L.C. 577, are cited with approval. While on the case generally Bowen, L.J., speaks as follows, at p. 416:—"Putting the case in the strongest manner for the plaintiff it only comes to this—that the refusal to alter the regulations kept him, the plaintiff, in a position in which an election might or might not result in his being chosen a member. But that appears to me to leave the damage too remote, and to place it beyond the line which the law has wisely drawn. The risk of temporal loss is not the same as temporal loss; the risk of suffering injury is not the same as to suffer injury. If it were otherwise the limitation which the law imposes on liability to actions for words spoken would be entirely done away with, because the party defamed could always urge that he had lost the chance of an advantage, or had run the risk of an injury. But the 'chance' of an advantage is not the same as the advantage, and the risk of an injury is not the same as an injury."

ACTION FOR MALICIOUS PROSECUTION—ONUS OF PROOF

The next case to be noticed is that of *Abrath* v. *North Eastern Ry. Co.*, p. 440, a case concerning the *onus* of proof in actions for malicious prosecution. The point of the case is somewhat difficult to grasp at first, and the head-note is not very lucid. The gist of the case may perhaps be shown as follows:—First, it is laid down by Brett, M.R., p. 448, "The points which it is necessary for the