SAVAGE DOG—SCIENTER—LIABILITY OF OWNER OF DOG—MASTER AND SERVANT — SCOPE OF EMPLOYMENT — REMOTENESS OF DAMAGE.

In *Baker* v. *Snell* (1908) 2 K.B. 825 the Court of Appeal (Cozens-Hardy, M.R., and Farwell and Kennedy, L.JJ.) have affirmed the judgment of the Divisional Court (1908) 2 K.B. 352 (noted ante, p. 531) whereby a new trial was ordered. Kennedy, L.J., however, thinks that the intervening criminal act of a third person may in some cases exonerate the keeper of a vicious animal for damages occasioned thereby.

LIBEL—TRADE PROTECTION SOCIETY—MERCANTILE AGENCY—COMMUNICATIONS BY MERCANTILE AGENCY TO CUSTOMERS NOT PRIVILEGED—PRIVILEGE FOUNDED ON GENERAL INTEREST OF SOCIETY.

Macintosh v. *Dun* (1908) A.C. 390 is an important decision on the subject of the liability of mercantile agencies for libel in respect of communications made by them to their customers in the course of their business. The action was brought in Australia, and at the trial the plaintiff obtained a verdict and judgment in his favour, the Full Court in New South Wales ordered a new trial, and the High Court of Australia set that order aside, and directed judgment to be entered for the defendants, holding that the communication was privileged. The Judicial Committee of the Privy Council (Lord Loreburn, L.C., and Lords Ashbourne, Macnaghten, Robertson, Atkinson and Collins) reversed both orders, and gave judgment for the plaintiff on the ground that the communication which had been found to be injurious to the plaintiff, could not be said to have been made in the general interests of society, in which case it would have been privileged, but was made from motives of self interest by the defendants, who, for the benefit of a class, traded for profit in the characters of other persons, and who offered for sale information as to their credit, etc., which is not privileged, however carefully and cautiously it may have been obtained, and for which they were liable in damages if it proved to be defamatory. In arriving at this conclusion their Lordships declined to follow the decision of the New York Court of Appeals in *Ormsby* v. *Douglas* (1868), 37 N.Y. 477. Some other American cases may also be found referred to in vol. 29 of this Journal, p. 516, where it was held that such communications if made to actual