

delivery of the particulars in mitigation of damages did not enlarge the defendants' right of discovery, the delivery of such particulars without leave being irregular.

CORPORATION—LIBEL—PRIVILEGED COMMUNICATION—EXCESS OF PRIVILEGE—MALICE.

*Nevill v. Fine Arts Insurance Company*, (1895) 2 Q.B. 156, was an action for libel. The libel was contained in a circular issued by the defendant company to its customers asking for payment of renewal premiums. This circular was composed by a clerk in the defendants' office. The libel consisted in these apparently innocent words: "The agency of Lord William Nevill at 27 Charles street has been closed by the directors." The plaintiff claimed that this meant that the plaintiff had been dismissed for some reason discreditable to him. The jury found that it was a libel, that it was untrue, and if published on a privileged occasion the privilege had been exceeded, and they assessed the damages at £100, and Pollock, B., on these findings, directed judgment to be entered for the plaintiff. But the Court of Appeal (Lord Esher, M.R., and Lopes and Rigby, L.JJ.) reversed the judgment, and all the members seemed to think (though not actually deciding so) that the words complained of were as nearly as possible incapable of a defamatory meaning; but they held that even assuming them to be a libel, the occasion being privileged, it was necessary to prove actual malice, and as no actual malice was shown, either on the part of the directors of the company or of any of its servants, and there was no evidence of any excess of privilege, the plaintiff could not recover.

COLLISION—DAMAGES—CONTRACT OVERRIDING PROVISIONS OF MERCHANT SHIPPING ACT, 1862 (25 & 26 VICT., c. 63), s. 54.

*The Satanita*, (1895) P. 248; 11 R. May, 97, is a case which may be interesting to some readers, particularly at this season of the year. It is an admiralty case which arose out of the sinking of Lord Dunraven's yacht, *Valkyrie*. The *Satanita* had entered a yacht race with the *Valkyrie*, and the owners of the competing yachts bound themselves to observe certain rules and to pay all damages which might result from their committing any breach of the rules. In the course of the race the *Satanita* committed a breach of one of the rules, which resulted in a collision with, and