

The judgments of the Lords of Appeal are brief. The Lord Chancellor lays down this proposition: "His (the plaintiff's) intention—is inferred from what he did," but modifies it afterwards by saying: "The jury was entitled to think—that some ingredient of recklessness or more than recklessness entered into the writing and the publication of this article."

Lord Atkinson concurs with the Lord Chancellor's judgment and also "substantially" with the judgment of Farwell, L.J.: "I think he has put the case on its true ground and I should be quite willing to adopt in the main the conclusions at which he has arrived."

Lord Gorell concurs with the Lord Chancellor's judgment and with the observations Lord Atkinson had made upon the judgment of Farwell, L.J.

Lord Shaw, of Dunfermline, concurs in the observations made by the Lord Chancellor and also with those made by the Lord Chief Justice.

Having regard to all these utterances I think we shall not err if we draw this conclusion, that in cases like the present an irrefutable inference is raised either of culpa lata or of dolus, and that thereby the conditions of the law of tort are satisfied. This inference (*præsumptio juris et de jure*, a fiction against which there is no defence) was left out of consideration by Lord Justice Moulton, and that, we must assume, was the flaw in his judgment.

But the question arises: Was, in these circumstances of the law, the verdict of the jury, at all necessary, and, if so, was Mr. Justice Channell's summing up adequate? Should he not have directed them to say whether in their opinion the defendants published those statements recklessly or *mala fide*?

Another recent case implying or suggesting the question of a legal presumption, though of a different kind (*præsumptio juris*), is *Wing v. London General Omnibus Company*. A motor omnibus on a wet road skids, and a passenger incidentally gets injured. No negligence as regards the condition, management or control of the omnibus is alleged. Plaintiff's counsel ad-