

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH
DECISIONS.

(Registered in accordance with the Copyright Act.)

LIBEL—PRIVILEGED COMMUNICATION—POST-CARD PUBLICATION—NOTICE.

Sudgrove v. Hole, (1901) 2 K.B. 1, was an action of libel for defamatory language on a post card sent by the defendant to a third person. The post card was a privileged communication as between the defendant and the person to whom it was sent. The plaintiff's name was not mentioned on the post card, and there was no evidence that any person who saw the post card, other than the person to whom it was sent, knew that it referred to the plaintiff. Under these circumstances it was held that the plaintiff had failed to shew a libel on him, other than on a privileged occasion, and that though the fact that a communication is sent by post card instead of by closed letter would generally be evidence of malice, yet as the communication would not be understood by those through whose hands it passed as referring to the plaintiff, there was no evidence of express malice to avoid the privilege. *Ridley, J.*, had held the occasion was not privileged, and had entered judgment for the plaintiff, but this judgment was reversed and the action dismissed by the Court of Appeal. (Smith, M.R., and Collins and Romer, L.JJ.).

COSTS—SCALE OF COSTS—JUDGMENT AGAINST TWO DEFENDANTS FOR DIFFERENT AMOUNTS—(ONT. RULE 1132).

In *Duxbury v. Barlow* (1901) 2 K.B. 23, two defendants were sued on a joint and several bond given for the fidelity of one of the defendants, who was also sued for a sum in respect of which he had made default. Judgment was recovered against both defendants for £50, the amount of the bond, and against the defaulting defendant for a further sum of £90. It was held by the Court of Appeal (Smith, M.R., and Collins and Romer, L.JJ.) that the defendant, as to whom only £50 had been recovered, was liable to pay only County Court costs. See Ont. Rule 1132.

PRINCIPAL AND AGENT—BROKER—LIABILITY OF PRINCIPAL.

Levitt v. Hamblet (1901) 2 K.B. 53, is a decision of the Court of Appeal (Smith, M.R., and Collins and Romer, L.JJ.) on appeal