

The Legal News.

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The Mayor etc. of Manchester v. Williams was an action of libel by a corporation. The defendant wrote to a local newspaper charging the City Council with "scandalous and abominable expenditure" of which "the bulk of the members were in woeful and pitiable ignorance," and alleging that large sums had been lost by lax management, and that bribery and corruption had prevailed. The right of a corporation to sue for libel was discussed some thirty years ago by Chief Baron Pollock, in *Metropolitan Saloon Omnibus Co. v. Hawkins*, 4 H. & N. 87, in these terms: "That a corporation at common law can sue in respect of a libel there is no doubt. It would be monstrous if a corporation could not maintain an action for slander of title through which they lost a great deal of money. It could not sue in respect of an imputation of murder, or incest, or adultery, because it could not commit those crimes; nor could it sue in respect of a charge of corruption, for a corporation cannot be guilty of corruption, although the individuals composing it may." This *dictum* does not appear to have been overruled or expressly approved in any later reported case, and it was urged on the part of the corporation of Manchester that it was unsupported by authority, and that the alleged scandalous and extravagant expenditure must be the work of the collective body, and not of the individuals. This view, however, did not prevail, and the action failed.

Chief Justice Bleckley, of Georgia, holds that a church site and edifice may be sold to pay the minister's salary. "If any debt ought to be paid," he says, "it is one contracted for the health of souls—for pious ministrations and holy services. If any class of debtors ought to pay, as matter of moral as well as legal duty, the good people of a Christian church are that class. No church can have any higher obligation resting upon it than that of being just. The study of jus-

tice for more than forty years has impressed me with the supreme importance of this grand and noble virtue. Some of the virtues are in the nature of moral luxuries; but this is an absolute necessity of social life. It is the hog and hominy, the bacon and beans of morality, public and private. It is the exact virtue, being mathematical in its nature. Mercy, pity, charity, gratitude, generosity, magnanimity, etc., are the liberal virtues.

The task of correcting the style of members of a learned profession cannot be a very agreeable one, and it was not without urgent occasion that Mr. Justice Jetté, on Saturday last, criticised the expressions in a *factum* which had been placed before the Court of Review. His Honor found in this document statements such as these: "le savant juge *prétend*;" "le savant juge *allègue*;" "on *se plaint dans le jugement*." We have remarked expressions more than once of the same sort in *factums* presented to the Court of Appeal. The judge is made a party as it were to the controversy, and then the counsel representing the party aggrieved by the judgment proceeds to whack at him. The observations of Mr. Justice Jetté elicited the caustic remark from the learned Chief Justice, that the deterioration of manners in the present day was such that offences of the kind above adverted to had ceased to attract special attention.

POLICE COURT.

MONTREAL, Oct. 27, 1890.

Before DESNOYERS, Police Magistrate.

GILLESPIE v. POUPART.

Trade-mark—Of a nature to deceive—*False description*—51 Vict. (D.), ch. 41, sec. 4.

1. *The plaintiff's mark had the words "Jas. Hennessy & Co., and on a lower line the word "Cognac." The lines are surrounded by a garland composed of bunches of grapes and grape leaves on stems, with a bunch of ribbons, the whole surmounted by a mailed arm and a naked hand bearing a battle-axe, resting on a scroll. The defendant's marks were of the same shape, one containing the words "J. Henri Say et Cie, Cognac," and the other "Jac. Hurtubise, Cognac," in the centre, in letters of about the same size as the Hennessy label, and in the same position, both surrounded with garlands of grapes*