

the rules was to be liable for "all damages arising therefrom." The collision was occasioned by the "Satanita's" breach of one of the sailing rules; and the question was whether the agreement to be bound by the sailing rules overrode the provisions of the Merchants Shipping Act, 1862, which limits the liability to £8 per ton. The House agreed with the Court below in answering that question in the affirmative.

DEFAMATION—LIBEL—PRIVILEGED OCCASION—EXCESS OF PRIVILEGE—MALICE.

In *Nevill v. The Fine Art and General Insurance Co.* (1897) A.C. 68, it is not surprising to find that the House of Lords (Lords Halsbury, L.C., Macnaghten, Shand and Davey) have affirmed the decision of the Court of Appeal (1895), 2 Q.B. 156. It may be remembered that the action was brought for defamation, and that the alleged libel was contained in a circular issued by the defendants to persons who had insured with the defendants through the plaintiff as their agent, announcing that the agency of the plaintiff at his office "had been closed by the directors." The Judge at the trial ruled that the circular was capable of a defamatory meaning. The jury found it was, in fact, defamatory, and gave a verdict for the plaintiff for £100, for which judgment was awarded for the plaintiff; this judgment the Divisional Court set aside, and this decision is upheld on the ground that the statement was not capable of a defamatory meaning—that it was, in fact, true, that the occasion was privileged, that the finding of the jury as to excess of privilege in the absence of any finding of actual malice, was insufficient to entitle the plaintiff to succeed, their Lordships being of opinion that there was no evidence of malice.

COMPANY—"FLOATING SECURITY"—DEBENTURES—MORTGAGE OF ASSETS OF COMPANY—PRIORITY.

In *Government Stock Co. v. The Manila Railway Co.*, (1897) A.C. 81, debentures were made a charge on all the property of a joint stock company, but were subject to a condition that notwithstanding the charge created by the debentures, the company might, in the course of its business,