

This it may be observed settles a very important point of practice and virtually determines that all actions brought against municipal corporations for damages in respect of injuries sustained through defective streets or sidewalks, however the defect may have arisen, whether by non-feasance or misfeasance of the corporation or others are triable by a judge without a jury.

LEGAL PRESUMPTIONS.

The Sunday Chronicle, in a mildly sarcastic sketch depicting a frivolous scene at the Dieppe Motor Races, passes defamatory remarks on "Artemus Jones, a churchwarden, married, and residing at Peckham." Mr. Artemus Jones, a barrister, who is neither a churchwarden nor married nor a resident of Peckham, brings an action for libel and is awarded very heavy damages. (*Jones v. E. Hulton & Co.*, L.R. [1900] 2 K.B. 444 *et seq.*, and L.R. [1910] A.C. 20 *et seq.*; *Wing v. London General Omnibus Co.*, L.R. [1909] 2 K.B. 652.) The House of Lords, upholding the decision of the Court of Appeal which (Lord Justice Moulton dissenting) had affirmed the judgment of the King's Bench, decides unanimously in favour of the plaintiff.

It was stated in evidence and admitted that neither the writer of the article nor the publishers knew or had heard of the plaintiff, and that they could have had no intention to libel or injure Mr. Artemus Jones, the barrister. The latter proved that the article was considered by a number of people to refer to him and that it did him a great deal of damage.

There were altogether (in the Courts of First Instance, of Appeal, and the House of Lords) seven judges for the plaintiff, Moulton, L.J., being the only one against him. Yet when we read the learned Lord Justice's striking judgment with its precise reasoning and its searching analysis of authorities, to shew that there can be no libel in the absence of libellous intent (*animus injuriandi*), which must be directed against the plaintiff