

and in his profession. The court, by Palles, C.B., said: "I am willing to assume that the averments in the statement of defence show that the defendant had an interest in writing to the plaintiff the words complained of within the meaning of the authority of *Harrison v. Bush*, 5 E. & B. 344; but the publication that is to be justified is not a publication to the plaintiff, but to other persons. It is not stated that the publication was reasonable, but that the defendant believed it to be reasonable; that is apart from the question of what a post-card is. I think that we ought to take judicial notice of the nature of a post-card; and, therefore, I see no reason for holding that a communication written on a post-card is privileged. It would be a most serious thing to lay down that a person may extend the sphere of circulation of defamatory matter because he wants to save a half-penny in postage." This decision is one probably without precedent, springing as it does out of one of the advances of the modern postal system. It assumes the reading of the matter by some third person, essential to the offence, as "no possible form of language in writing can be the basis of an action for libel if read only by the writer and the person whom or whose affairs the language concerns." *Townsend on Slander*, § 108.

#### RECENT UNITED STATES DECISIONS.

**Accession.**—A railroad company made a contract with a rolling mill company for the making at the mill of new rails out of old rails supplied by the railroad, with the addition of new iron, to be supplied by the mill, which was required for the top of the rails. *Held*, that if the railroad furnished the chief or principal part of the material of the new rails, the property in the material and in the new rails as finished remained in the railroad.—*Arnott v. Kansas & Pacific Railroad Co.*, 19 Kan. 95.

**Bona fide Purchaser.**—A negotiable city bond, one of a series numbered separately, was stolen, and was bought *bona fide* for value, after the number had been altered by the thief. *Held*, that the purchaser took a good title.—*Elizabeth v. Force*, 29 N. J. Eq. 587.

**Contract.**—A wrote to B: "Please let C and family have whatever they want for their support, and I will pay you for the same." A

physician, procured by B, at the request of C, furnished medicines and services to C's family. *Held*, that B could not recover the physician's bill of A.—*Grant v. Dabney*, 19 Kan. 388.

**Damages.**—Plaintiff ordered of defendants a particular kind of cabbage seed. Defendants sent him seed labelled with that name, but in fact not of that kind; and the seed, being sown, proved wholly unproductive. *Held*, that plaintiff was entitled to recover the value of a crop of the kind of cabbages he had ordered, without deduction of the expense of raising such crop.—*Van Wyck v. Allen*, 69 N. Y. 62.

**Dog.**—Defendant's dog trespassed on plaintiff's close, and there killed a cow. *Held*, that plaintiff might recover the value of the cow in an action in the nature of trespass, without averring or proving that defendant knew the dog to be vicious.—*Chunot v. Larson*, 43 Wis. 536.

**Escape.**—By statute, it is a criminal offence in "any person lawfully imprisoned, upon any criminal charge, before conviction," to break prison. To an information on this statute the prisoner pleaded in bar, that he had been retaken, tried on the charge on which he was imprisoned, and acquitted. *Held*, *bad*. *State v. Lewis*, 19 Kan. 260.

**Evidence.**—1. Action for libellous words charging a crime. Plea, that the charge was true. *Held*, that the plea need not be proved beyond a reasonable doubt.—*McBee v. Fultom*, 47 Md. 403.

2. In a criminal case, a letter from the prisoner to his wife, produced by a third person, was held admissible in evidence, and not a privileged communication.—*Geiger v. The State*, 6 Neb. 545.

3. Action for enticing away plaintiff's daughter and servant, and placing and leaving her in a house of ill-fame. *Held*, that evidence of the daughter's declarations made after leaving home, and before being left at the house, was admissible as part of the *res gestae*; otherwise as to her declarations made after that time.—*Felt v. Amidon*, 43 Wis. 467.

**Extradition.**—The prisoner, being indicted for embezzlement and also for forgery, fled to Canada. The former offence is not within the extradition treaty between Great Britain and the United States: the latter is; and the prisoner was demanded of, and surrendered by,