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## Corporations--Libel and Slander--Right of Corporations to Maintain Action for Slander

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*mer Co. v. Louisville etc. Co.*, 178 Ky. 712, 199 S. W. 1050. See 4 L. R. A. N. S. 1035n.; L. R. A. 1918c 108n.; L. R. A. 1918c 114n.; 13 HARV. L. REV. 304n. Also a passenger may recover for the loss of baggage carried as his own but belonging to his wife and minor children. *Withey v. Pere Marquette etc. Co.*, 141 Mich. 412, 104 N. W. 773. See MICHIE, CARRIERS, § 3432. See also 1 L. R. A. N. S. 353n.; L. R. A. 1918c 114n.

—W. F. K.

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CONFLICT OF LAWS—PERSONAL JURISDICTION—AWARD OF THE CUSTODY OF A CHILD AFTER DIVORCE.—A court of California, where all the parties were domiciled awarded custody of the children, after a divorce decree, to the mother with a prohibition against taking them out of the jurisdiction without permission. She obtained permission to take them to Oregon, on condition that she bring them back. She did not do so. The California court then modified its first decree, after a defective service on the mother in Oregon, and gave custody to the father who brought *habeas corpus* in Oregon to obtain the children. *Held*, the petition should be denied. *Griffin v. Griffin*, 187 Pac. 598 (Ore. 1920).

For a discussion of this case, see NOTES.

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CORPORATIONS—LIBEL AND SLANDER—RIGHT OF CORPORATION TO MAINTAIN ACTION FOR SLANDER.—A corporation, organized and doing business under the laws of the State of West Virginia, brought an action of trespass on the case to recover damages to plaintiff's business occasioned by certain alleged acts and conduct of the defendant, and published statements and offensive language used by him of and concerning the business and property of the plaintiff. *Held*, recovery should be allowed. *Coal Land Development Co. v. Chidester*, 103 S. E. 923 (W. Va. 1920).

It was held formerly that a corporation, having a purely intellectual and ideal existence, was incapable of malice, since that was an emotion of the heart; and, consequently, that a corporation could not maintain an action for libel and slander. See NEWELL, LIBEL AND SLANDER, § 448. But the general rule now is that a corporation may maintain an action to recover damages for libel or slander concerning it in its trade or occupation. *American Book Co. v. Gates*, 85 Fed. 729; *St. James Military Academy v. Gaiser*, 125 Mo. 517, 28 S. W. 851. The words, in order to be ac-

tionable, must affect injuriously the corporation, as distinct from the individuals who compose it. *Brayton v. Cleveland Special Police Co.*, 63 Oh. St. 85, 57 N. E. 1085. But it may sue if the libel or slander of the individuals who compose it causes the corporation to sustain special damages. *Trenton Mut. Life etc. Ins. Co. v. Perrine*, 23 N. J. L. 412. A corporation cannot sue in respect of a charge of murder, or incest, or adultery, or corruption, or assault because it cannot commit these crimes. The words complained of must attack the corporation in the method of conducting its affairs, or in its financial position, or must accuse it of fraud or mismanagement. *South Hetton Coal Co. v. Northeastern News Ass'n*, [1894] 1 Q. B. 133; *Metropolitan Saloon Omnibus Co. v. Hawkins*, 4 H. & N. 87; *Hahnemannian Life Ins. Co. v. Beebe*, 48 Ill. 87. The fact that the libel or slander was uttered or published by a member of the corporation will not defeat recovery. *Metropolitan Saloon Omnibus Co. v. Hawkins*, 4 H. & N. 87. The rule as to recovery is the same when the libel or slander is directed against the corporate business. *St. James Military Academy v. Gaiser*, *supra*. A person guilty of libelling or slandering a private corporation may be held liable criminally. *Boogher v. Life Ass'n of America*, 75 Mo. 319; *People v. Carroll*, 48 N. Y. App. Div. 201, 62 N. Y. Supp. 790. There is only one modern case which holds that a corporation cannot sue for slander. *Church of St. Louis v. Blanc*, 8 Rob. 51 (La. 1844).

—W. E. G.

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CORPORATIONS—PROMOTERS—INDIVIDUAL LIABILITY ON CONTRACTS IN BEHALF OF CORPORATION.—The complainants owned a lease on two lots and a building thereon. They agreed to sell the same to a corporation later to be formed by the two defendants. Notes purporting to be the notes of the corporation, signed by the defendants as president and secretary, respectively, were given to the complainants in consideration of the sale; and a deed of trust, signed in like manner, was given to secure the same. The corporation was formed and had the benefit of the contract. Upon default in the payment of the notes it was sought to hold the defendants liable personally. *Held*, that the promoters were not liable. *Carle et al. v. Corhan et al.*, 103 S. E. 699 (Va. 1920).

The early English authority was that only the promoters were