

state the circumstances. *Held*, that if this inquiry was made as a trick to induce the defendant to utter a slander against the plaintiff, the words thus elicited were not a ground of action, but if made in good faith, merely to ascertain whether the defendant had made such a charge, they would be a ground of action, if spoken with malice, and the question of malice should be submitted as a fact to the jury, this being an instance where, on the one hand, the occasion does not necessarily justify the words, nor, on the other hand, is malice to be inferred by law, but must be found by the jury: *Id.*

REVENUE LAWS.

Penalty for False Entry.—Under the Tariff Act of June 30th 1864, which lays a specific duty per gallon upon wines, and an ad valorem duty also, with a proviso that no *champagne* in bottles shall pay a less rate than \$6 per dozen (quart) or two dozen (pint) bottles, the effect is that if the specific duty upon the gallon and the ad valorem duty exceed the sum of six dollars per dozen (quart) or two dozen (pint), the rate thus estimated will be the duty imposed. It is only when the rate falls under the sum of \$6 that no less sum is chargeable: *Bollinger's Champagne*, 3 Wall.

An entry of champagne wines knowingly made by means of false invoices, false certificates to the consul, or by means of any other false or fraudulent documents or papers, forfeits it, irrespective of the fact that if the entry had been truly made, the duty would have been no greater. The penalty is attached to the act of false entry, not to the result which such entry may, in the specific instance, produce on the revenue: *Id.*

LIST OF NEW LAW BOOKS RECEIVED BY THE PUBLISHERS OF THE AMERICAN LAW REGISTER.

KIRKLAND.—Address to the Graduating Class of the Law School of Columbia College, May 16th 1866. By CHARLES P. KIRKLAND. Pamph., pp. 20, New York: A. D. F. Randolph, 1866.

MASSACHUSETTS.—Reports of Cases adjudged in the Supreme Court of Massachusetts. By CHARLES ALLEN. Volume X. Boston: H. O. Houghton & Co., 1866.

SMITH'S LEADING CASES.—A Selection of Leading Cases on various Branches of the Law, with Notes. By JOHN WILLIAM SMITH. Sixth American, from the last English edition, by Willes, Keating, Maude, and Chitty; with additional Notes and References to American Decisions, by J. I. CLARK HARE, HORACE BINNEY WALLACE, and JOHN WILLIAM WALLACE, Esqs. Two volumes in three. Philadelphia: T. & J. W. Johnson & Co., 1866. \$19.50.