

Com. Pleas Div.]

NOTES OF CANADIAN CASES.

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Held, that the payments must be applied to the interest due on all the notes, the effect of which was to take them out of the Statute of Limitations.

Masters, for the plaintiff.

Osler, Q.C., for the defendant.

GORST V. BARR.

Slander—Privileged communication—Crime.

The plaintiff had been working for a couple of days for the defendant as a seamstress. She was unknown to the defendant before that. The defendant missed \$11.00 and so informed plaintiff. In the evening the defendant drove plaintiff home, telling her she would want her again in a week or so. The next day the defendant laid the case before the chief of police, and he said that plaintiff must have taken the money. The defendant then went to a Mrs. W., for whom she thought the plaintiff was working, and on being informed that plaintiff was not there asked to speak to Mrs. W. alone, and then informed her of having missed the money, and of the plaintiff being the only one there except defendant's children and defendant's sister. The defendant stated what the chief of police had said, and asked what she should do—that she would have plaintiff arrested. Mrs. W. advised her not to, but to go and see plaintiff. The defendant then went to a Mrs. B., for whom plaintiff was working, and called plaintiff outside, and told her what the chief of police had said. The defendant then put her hand on the plaintiff's shoulder and said, "you did; you must have taken it"; and asked her to confess, and give back the money, and defendant would give her all her sewing. The plaintiff denied taking the money, and asked to be taken to her father's, and defendant drove her there. Before doing so, plaintiff went upstairs to get her things, when Mrs. B. asked what was the matter, when plaintiff said that defendant accused her of taking some of her money. Mrs. B. said that while defendant and plaintiff were speaking the door blew open, and she heard defendant say, "You did; you must have," and the door then slammed to. When defendant arrived at the

father's she did not want to go in, but the father pressed her and asked her what was the trouble. The defendant told him she had lost \$11.00, and what the chief of police had said. The father asked defendant if she knew the plaintiff's character, and why she should be accused more than the defendant's sister. The defendant, he said, appeared shocked at that, and said she would have plaintiff arrested, when the father said she would do it on her own responsibility.

Held, that action failed; that the words spoken to the plaintiff and to her father were privileged, while those heard by Mrs. B. did not impute any criminal offence, nor did the words spoken to Mrs. W.

Delamere, for the plaintiff.

Foster, Q.C., for the defendant.

REGINA V. SPROULE.

Canada Temperance Act, 1878—Interest of magistrate—Witness.

In a prosecution under the Canada Temperance Act the defendant claimed that J. F. A., one of the magistrates, was a member of an association for the enforcement of the Act, and had been present at a meeting of the association. On the case coming on for trial the defendant objected to the jurisdiction of the magistrate, which was overruled. The license inspector who laid the information then gave evidence in support of the charge. In cross-examination he was asked by defendant as to whether he laid the information of his own accord, or had consulted with J. F. A. before acting, and whether the association had anything to do with the selection of the magistrate. The magistrate ruled that the witness was not bound to answer the questions at the close of the prosecution, and on going into the defence the defendant called the magistrate, J. F. A., as witness, but he refused to give evidence. The defendant was convicted and fined.

Held, that as a general rule a person who lays an information is not bound to disclose the source thereof; but as the questions asked the witness were put with the view of shewing the magistrate was a member of the association