

Full Court.]

[Nov. 6, 1911.]

## REX v. McCOLL.

*Ticket of Leave Act—Forfeiture of license to be at large by subsequent conviction—Place where prisoner must serve balance of term of first sentence—Prisoner arrested in province other than that in which first sentence imposed.*

Under ss. 7 and 8 of the Ticket of Leave Act, R.S.C. 1906, c. 150, when a prisoner, who has obtained a license to be at large after undergoing part of a gaol sentence in one province and who has afterwards been confined in a penitentiary in another province for a subsequent offence, thus forfeiting his license, is arrested upon the expiration of such later sentence for the purpose of his completing the term of his first sentence, he should, notwithstanding sub-s. 3, of s. 8, be confined in a gaol in such other province and not in the penitentiary where he was last confined.

*Whitla and Phillipps*, for prisoner. *Anderson*, K.C., for the Minister of Justice. *Graham*, D.A.-G., for Attorney-General of Manitoba.

Full Court.]

[Dec. 1, 1911.]

## SMITH v. DUN.

*Libel—Mercantile agency reports to subscribers—Privilege—Publication of true extracts from a public record—Innuendo—Words not libellous per se—Special damages.*

Appeal from judgment of *MATHERS*, C.J., noted ante, vol. 47, p. 624, dismissed with costs on the following grounds:—

1. To say that a man has given a chattel mortgage is not libellous per se without an innuendo shewing that the words were defamatory by reason of their having to certain persons a defamatory meaning, setting out such defamatory meaning: *Odger*, pp. 110, 123.

2. The statement of claim contained no allegation of any special damage suffered by the plaintiff and none was proved: *Ratcliffe v. Evans*, [1892] 2 Q.B. 527, followed.

The court refrained from expressing an opinion on the question of privilege dealt with by the judgment appealed from.

*Hugg*, for plaintiff. *Coyur*, for defendants.