

land which had been seen and examined, lying between the property of McGinnis and and that of Daigneault. That is a specific description, not with reference to numbers, but with reference to the actual and visible state of possession of the adjoining lands; and having regard to the admitted state of possession in 1857, at the time when the respondent's deed of sale was granted, their Lordships have no hesitation in holding, with the Court of Appeal, that the description of the subject sold, completely identifies it with the land in dispute. The respondent's possession, which was in perfect good faith, was in conformity with, and must be ascribed to his title; and the lapse of ten years' possession has therefore perfected his right in competition with the appellants.

Their Lordships will humbly advise Her Majesty that the judgment appealed from ought to be affirmed, and the appeal dismissed with costs.

Appeal dismissed.

*Lacoste, Q.C., Doherty, Q.C., and Bathurst,* for the Appellant.

*Lareau, and Fullerton,* for Respondent.

#### QUEEN'S BENCH DIVISION.

LONDON, Feb. 7, 1888.

WENNEAK V. MORGAN AND WIFE.

*Libel—Publication—Uttering to Wife of Defendant—Indorsement by Master of Cause of Dismissal on Servant's Written Character—Questions for Jury.*

The plaintiff was a domestic servant, and had been in the service of the defendants. Upon entering their service, the plaintiff handed to the female defendant a written character, couched in general terms, and not addressed to any particular person, given to him by a former mistress. The character remained in the defendants' possession. The defendants having dismissed the plaintiff for alleged misconduct, the male defendant indorsed the character with these words: "This man has lived with us five weeks, and we dismiss him for staying out all night and leaving the house open." The plaintiff having requested the female defendant to return the character to him, she handed it back to him

bearing that indorsement. The plaintiff commenced this action, alleging, first, that the words indorsed upon the character were a libel; and, secondly, that the character remained his property, and that the defendants had maliciously defaced it and rendered it useless for the purpose for which it was intended. The case was tried before MATHEW, J., and a jury, and the learned judge ruled that there was no evidence of publication of the alleged libel, but that the character remained the property of the plaintiff, and that he was entitled to a verdict for nominal damages, evidence of special damage not being admissible upon the second cause of action.

The plaintiff moved for a new trial on the ground of misdirection.

The COURT (HUDDLESTON, B., and MANISTY, J.) held that Mathew, J., was right in ruling that there was no evidence of publication of the libel, inasmuch as the defendants, being husband and wife, were but one person in law; and although in particular matters the old common law rule has been altered by statute, no alteration has been effected in such cases as the present. But upon the second cause of action it should have been left to the jury to say whether the character remained the property of the plaintiff, and whether the defendants acted maliciously or *bona fide*; and that the judge should not have withdrawn the question of damages from the jury, who, if they had been of opinion that the defendants had not acted *bona fide*, might have awarded substantial damages to the plaintiff. The Court accordingly granted a rule absolute for a new trial of the second cause of action.

Rule absolute.

#### THE DISTRICT MAGISTRATES' ACT.

The reasons for disallowance of the Quebec Act of last session relating to district magistrates are set forth as follows in the report to the Council made by the Minister of Justice on the 3rd September:—

"The undersigned has the honor to report that the Lieutenant-Governor of the province of Quebec transmitted to the Secretary of State for Canada, on the 7th day of August last, certified copies of the Acts of the Legis-