

l'offre, ne contredisent pas ce dernier. L'appel doit être renvoyé.

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NOTES.—*Badgley, J.*, 1866, *Potterin vs Morgan*, 10 L. C. J., 93. — "In an action for verbal slander of this nature, the slanderous words themselves are not to be chiefly considered, but the motive and intention of the utterer and the occasion of their utterance.

The truth of the imputation is not the issue, but the rightfulness of the occasion and the integrity of the motive, *bona fide* of its utterance.

If words were spoken *bonâ fide*, is for the Court, if *bonâ fide* existed, is for the communications, and in this case, the answers should have been withdrawn from Jury.

Answers of slander to inquire in the interests of the slandered, are privileged communications, and in this case, the answers should have been withdrawn from Jury.

Communications made in pursuance of some duty, legal or moral, by the alleged slanderer, or with fair and reasonable purpose of protecting his interests, are privileged and beyond the legal implication of malice.

Implied malice cannot co-exist with privileged communication; and, to support action, affirmative actual malice must be proved and found.

Malice in law is not simply ill will, but means a wrongful act done intentionally, with some other than a lawful object, and to gratify passions of slander."

Casault, J., 1893, *Langelier vs White*, R. J. Q., 5 C. S., 94. — "Un compte rendu vrai et fidèle, dans la presse, des séances d'un comité du Sénat du Canada, et un commentaire éditorial, écrit de bonne foi et dans l'intérêt public, sont couverts par le privilège du statut fédéral, 31 V., c. 23, et ne peuvent donner ouverture à une action en dommages pour diffamation à raison de ce qu'ils contiennent."