

the St. John Post Office. After making inquiries, he had a conversation with the respondent, Waterbury, alone in a room in the Post Office, charging him with abstracting missing letters, which respondent strongly denied. Thereupon the assistant-postmaster was called in, and the appellant said: "I have charged Mr. W. with abstracting the letters. I have charged Mr. W. with the abstractions that have occurred from those money letters, and I have concluded to suspend him." The respondent having brought an action for slander, was allowed to give evidence of the conversation between himself and appellant. There was no other evidence of malice. The jury found that appellant was not actuated by ill-feeling toward the respondent in making the observation to him, but found that he was so actuated in the communication he made to the assistant postmaster.

Leave being reserved to enter a non-suit or verdict for the defendant, the verdict was for the plaintiff, and the jury assessed the damages at \$6,000.

*Held*, on appeal, that the appellant was in the due discharge of his duty and acting in accordance with his instructions, and that the words addressed to the assistant post-master were privileged.

*Lash, Q. C.*, for Appellant.

*Tuck, Q. C.*, for Respondent.

GALLAGHER, Appellant, v. TAYLOR, Respondent.

*Marine Policy—Total loss—Sale by Master—Notice of Abandonment.*

This was an action brought by the respondent against the appellant, to recover as for a total loss, the amount insured by the appellant, as one of the underwriters, upon a marine policy issued by the Ocean Marine Insurance Association of Halifax, upon the shallop "Susan," belonging to the respondent, alleged to have been totally lost by a peril insured against. The vessel stranded, on the 6th July, near Port George, in the county of Antigonish, adjoining the county of Guysboro', where the owner resided. The master employed surveyors, and on their recommendation, confirmed by the judgment of the master, she was advertised for sale on the 7th July, and sold on the 11th July. The captain had telegraphed to the agents of

the vessel in Halifax, who informed defendant's company, but he did not give any notice of abandonment, and did not endeavor to get off the vessel.

The vessel, valued at \$1,200, insured for \$800, was sold for about \$105 on the 11th July, and was immediately got off, and afterwards used in trading, and carrying passengers.

*Held*, that the sale by the master was not justifiable, and that the loss was not such a loss as to dispense with notice of abandonment in claiming for a total loss.

*Rigby, Q. C.*, for Appellant.

*Gormuly and Graham*, for Respondent.

CIMON, Appellant, v. PERRAULT, Respondent.  
*Election Act—Colerable employment by Agent—Acts of Sub-agent—Public Peace.*

The charge upon which this appeal was decided was one of bribery by Allard and Tarte, agents of the respondent, Perrault, by payments of money to Bouchard, Boivin, I. Gagnon and J. Gagnon, all of whom were electors. It was proved that Tarte was the respondent's general agent for that part of the country, and that Allard was specially requested and given money by Tarte, and induced by him to advance money to employ a certain number of men, without specifying any particular persons to be so employed, for the alleged purpose of preserving the public peace on polling day. It was not in evidence that Tarte had applied to the proper authorities, or otherwise complied with the law in order to secure the peaceful conduct of the election, but the reason assigned by him for ordering the employment of policemen was that he had received information by telegrams and letters, that roughs were coming down from Quebec to Bay St. Paul to interfere with the voting of the electors. No person came, and the polling took place without any interference. The four persons above named were known to be supporters of the appellant, and swore that they voted for respondent because they had received from Allard the sum of \$2 each.

*Held* (Taschereau and Gwynne, JJ., diss.)

(1) that the respondent was responsible for the acts of bribery committed by Allard, a sub-agent appointed by his general agent. (2) That the employment of a number of men to act as policemen on polling day by direction