

that a councillor making a defamatory statement at a meeting of the council is only entitled to the ordinary privilege which applies to a communication made without express malice on a privileged occasion. The court was also of opinion that under a statute which entitled the defendant as a councillor to notice of action "for anything done in the execution of his office," he was not entitled to notice of action; words spoken, as Lord Esher, M.R., says, are not "an act done or fact committed" in the sense intended by the statute. It appeared that the evidence on which the defendant had based his defamatory statement before the council was produced to the jury and that they must have been satisfied that the defendant had no ground for making the statement, and the court upheld their verdict on the ground that there was evidence on which the jury were entitled to infer express malice on the part of the defendant.

JUSTICE, DISQUALIFICATION OF—BIAS.

The Queen v. Henley (1892), 1 Q.B. 504, is another case on the question of the disqualification of a justice by reason of bias. The Act under which the prosecution was instituted expressly provided that no justice of the peace should be disqualified from hearing any case by reason of his being a member of a board of conservators. A justice who was a member of the board attended a meeting of the board at which the prosecution of the defendant was authorized by resolution of the board. He subsequently sat with other justices and heard the case. On a motion to quash the conviction on the ground that this justice was disqualified from sitting, the statutory provision above referred to was relied on, but Lawrance and Wright, JJ., were unanimously of opinion that that provision did not remove the disqualification arising from his having taken part in the preliminary steps which led to the prosecution. See *The Queen v. Gaisford*, ante p. 196.

Legal Scrap Book.

VOLUNTEERS AS JURYMEN.

A proposal in England to release volunteers from jury service has not met with the approval of the Lord Chancellor. It is, however, stated that Lord Halsbury, who is now engaged in preparing a bill relating to jury laws, is in favor of releasing volunteer officers from this service. The almost only privilege of the militia of Canada now is exemption from statute labor or its equivalent, and this does not apply to officers, nor where the volunteer is a property owner.

DE MORTUIS.

A singular case was tried at the last Manchester Assizes. Two brothers were joint owners of a grave, and one of them, dying, was buried in it. Later on a third brother, without burial rights, was there laid away. The surviving brother then sued the latter brother's executors—presumably for trespass—and