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NOTES OF CASES.

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tioned and specified, according to the following scale, namely:—

Professional men, as Barristers, Attorneys, Notaries, Physicians, Surgeons, Practitioners in Medicine or any art of healing, Dentists, if resident, twenty dollars, \$20. If transient persons, not having taken up a residence, forty dollars, \$40.

Wholesale or retail Merchants or Dealers or Traders, Forwarding or Commission Merchants, Lumber Merchants or Dealers, the Agents of merchants or traders, Express Agents, General Brokers, Manufacturers, Apothecaries, Chemists and Druggists, if resident, twenty dollars, \$20. If transient persons, not having taken up a residence, forty dollars, \$40.

Persons not having their principal place of business in this City, selling, or offering for sale, goods, wares, and merchandise of any description by sample card, or any other specimen, and the agents of all such persons, forty dollars, \$40.

Persons using any art, trade, mystery or occupation, or engaged in any profession, business or employment within the city, not coming under any of the before-mentioned, if resident, twenty dollars, \$20. If transient persons, not having taken up a residence, forty dollars, \$40.

Held, that assuming the Act 33 Vict., c. 4 to be *intra vires* of the Legislature of New Brunswick, the by-law made under it was invalid, because the act in question gave no power to the Common Council of St. John, of discrimination between residents and non-residents such as they had exercised in this by-law.

Bethune, Q. C. and *Maclaren*, for appellants:

Tuck, Q. C., for respondent.

DEWE, Appellant, v. WATERBURY, Respondent.

Slander—Public officer—Privileged communication.

The appellant having been appointed Chief Post Office Inspector for Canada, was engaged under directions from the Post Master General in making enquiries into certain irregularities, which had been discovered at the St. John post office. After making inquiries, he had a conversation with the respondent 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 Postmaster 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.