

the town council of the city of Salisbury. He claimed damages on the ground that the defendant had charged him with drunkenness. The defence was, *inter alia*, that in the absence of special damage the action was not maintainable, and this defence was overruled by Grantham, J., in the Court below. But the judgment has been unanimously reversed by Lord Herschell and Lords Justices Lindley and Kay in the Court of Appeal, who held unanimously that where a slanderous imputation is made concerning a person holding office, if the office is one not of profit, but of credit or honor, and the imputation is not one of misconduct in that office, but merely of unfitness for it, no action of slander will lie against the defendant in the absence of proof of special damage, unless the misconduct imputed, if true, is such as would render the plaintiff liable to be removed from or deprived of that office.

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SUPREME COURT OF CANADA.

May 3, 1892.

Quebec.]

CONTROVERTED ELECTION OF L'ASSOMPTION.

*Election appeal—Discontinuance—Effect of—Practice—Certificate of Registrar—New writ.*

By a judgment of the Superior Court in the controverted election for the electoral district of L'Assomption, the respondent was unseated by reason of corrupt acts committed by agents, and the respondent having appealed to the Supreme Court the case was inscribed for hearing for the May sessions of 1892. When the appeal was called, no one appearing for the appellant, counsel for respondent stated that he had been served by appellant's solicitor with a notice of discontinuance.

*Held*, that the appeal be struck off the list of appeals.

The notice of discontinuance having been filed in the Registrar's Office, the Registrar certified to the Speaker of the House of Commons that by reason of such discontinuance the decision of the trial judges and their report, were and are left unaffected by the proceedings taken in the Supreme Court. The Speaker