

with, and which had not been set out in the statement of claim. Upon this the plaintiff took issue.

At the trial it appeared that the circular contained not only the expression alleged in the statement of claim, but also a further statement referring to and explanatory of it.

The evidence was confined to the effect and meaning of the words set out in the statement of claim, notwithstanding the defendants' objection that they could not be severed from the rest of the circular. The plaintiff insisted that an amendment was unnecessary, and made no application to amend until the jury had retired.

Held, that there was a variance between the libel alleged and that proved, and that the plaintiff should have been non-suited.

A subscriber to a mercantile agency company applied to them for information as to the standing of a customer, and in order to furnish it they requested a local agent of theirs (the defendant C) to advise them confidentially on the subject.

In an action by the customer against the local agent for an alleged libel, consisting of the information given by him to the company, in answer to their request :

Held, that the information having been procured for the purpose of being communicated to a person interested in making the inquiry, and there being nothing in the language in excess of what the defendant might fairly state, the communication was privileged; and there being no proof of express malice, the plaintiff was not entitled to recover.

It is the occasion of publishing the alleged libel which constitutes the privilege.

Where privilege exists implied malice is negatived, and the burden of showing express malice is on the plaintiff. The mere untruth of the statement, unless coupled with proof that defendant knew that what he was stating was untrue, is not evidence of express malice.

Judgment of the Common Pleas Division reversed.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, July 6.

Judicial Abandonments.

Charles François Laforest, trader, St. André, July 2.

Curators Appointed.

Re H. A. Belisle, Ste. Agathe.—Kent & Turcotte, Montreal, joint curator, July 3.

Re Pierre Coutu, St. Félix.—Kent & Turcotte, Montreal, joint curator, June 26.

Re Joseph Louis Gascon.—C. Desmarteau, Montreal, curator, June 27.

Re Hermas Gobeille, Drummondville.—Kent & Turcotte, Montreal, joint curator, July 2.

Re Edmond Lafortune.—C. R. Cousins, St. Johns, curator, July 2.

Re L. H. Mineau, Louiseville.—Kent & Turcotte, Montreal, joint curator, July 3.

Re James Montgomery, J. J. Griffith, Sherbrooke, curator, June 28.

Re Moïse Arthur Ouimet.—C. Desmarteau, Montreal, curator, June 24.

Re Philippe Richard, St. Pierre.—Kent & Turcotte, Montreal, joint curator, July 3.

Re Peter John Scully, jeweller.—S. C. Fatt, Montreal, curator, July 3.

Re N. Trahan, Nicolet.—Kent & Turcotte, Montreal, curator, July 3.

Dividends.

Re Charbonneau & fils.—First and final dividend, payable July 18, C. Desmarteau, Montreal, curator.

Re A. Grégoire.—First and final dividend, payable July 18, C. Desmarteau, Montreal, curator.

Re Charles Landry.—Second and final dividend, payable July 19, Bilodeau & Renaud, Montreal, curators.

Re L. M. Perrault & Co.—First and final dividend, payable July 25, Kent & Turcotte, Montreal, joint curator.

Separation as to Property.

Mary Bishop vs. James Bisset, founder, St. Roch de Quebec, June 19.

Eléonore Latulippe vs. Onésime Dion, Quebec, July 2.

Odile St. Michel vs. Prosper St. Louis, painter, Montreal, June 27.

Separation from Bed and Board.

Pierre Rhéaume, laborer and contractor, Magog, vs. Amelia Belhumeur, June 21.

AMENDING THE NOTICE.—There is a grim humor about some of Judge Lynch's executions. A bank president in south-west Texas made away with all the funds under his charge and then posted on the door of his institution, "Bank Suspended." That night he was interviewed by a number of depositors, who left him hanging to a tree with this notice pinned to his breast: "Bank President Suspended."