sufficiently *libellée* if, instead of setting out at length a libel complained of, it refers to an answer to plea immediately preceding, as forming part thereof.

2. That an incidental demand will not be rejected as illegally filed because it is not accompanied by a petition as required by Art. 152 C.C.P.

3. That under the laws of this Province an action lies for libellous allegations contained in pleadings.

4. That a plaintiff in an action for libel who is attacked by an additional libel in the plea to his action, may proceed by incidental demand in order to obtain a condemnation for this additional libel.

5. That when the defendants in a jury trial have issued a *venire facias*, attended at the striking of the panel, proceeded to trial, and taken their chance of a favorable verdict, they cannot afterwards obtain a new trial on account of alleged defects in the assignment of facts for the jury.

6. That a new trial will not be granted because a material witness was absent, although he was duly subpœnaed and the proper conduct money was tendered him, when the party who called him neglected to apply for a postponement of the trial.

7. That evidence tendered by the defendant in an action of libel as to the previous conduct and character of the plaintiff was properly rejected as illegal, especially when such matters were not referred to in the pleadings.

8. (*By the majority of the Court*). That in actions for libel, the assessment of damages is peculiarly the province of the jury, and that a verdict of $6,000 for the newspaper libel complained of in this case, and of $4,000 for the libellous allegations of the plea, was not so excessive as to lead to the inference that the jury were led into error or actuated by improper motives.

(*Per* BABY and CHURCH, JJ., *diss.*):—

That the verdict of $6,000 for the libel in the newspaper was excessive, and justified the defendants in asking for a new trial.

Semble, that if the Court reduced these damages to $1,000, leaving the damages for the libel in the plea undisturbed, so as to make the total condemnation $5,000, the judgment maintaining the verdict should be confirmed.—*The Mail Printing Co. & Laflamme*, Dorion, C. J., Tessier, Cross, Baby, Church, JJ., June 20, 1888.

SUPERIOR COURT.

AYLMER (Dist. of Ottawa), Sept. 17, 1888.

Before WURTELE, J.

THE CORPORATION OF THE COUNTY OF PONTIAC v. THE PONTIAC PACIFIC JUNCTION RAILWAY COMPANY, and THE PROVINCIAL TREASURER OF QUEBEC.

Municipal law — Resignation of Warden of County—How it may be made, and how it becomes effective—Acceptance of resignation —Acts of "de facto" warden—Ratification by municipal corporation of unauthorized acts of its officers.

HELD:—1. *That, although the municipal code contains no provision to that effect, the warden of a county can resign his office, and that such resignation becomes complete and effective by its acceptance by the County Council.*

2. *That, in the absence of all enactment in the municipal code of a mode in which resignations should be made, no particular form is required: and that the offer of resignation may be made by a warden verbally, at a session of the County Council, and then entered by the secretary-treasurer on the minutes of the proceedings.*

3. *That the power to appoint a warden implies the right to accept his resignation and name his successor.*

4. *That the acts of a "de facto" warden, in possession and performing the duties of the office, are binding upon the corporation, and cannot be set aside solely by reason of the illegal exercise of the office.*

5. *That a municipal corporation may ratify the unauthorized acts of its officers, or the acts of persons assuming to be its officers, but which are within its corporate powers, and that such acts thereupon become binding upon the corporation, and cannot afterwards*