

tion defendant, a copy of which the plaintiff stated he sent to his lawyer and to the Rev. George H. Roy, curé of the parish, in which, in effect, he admitted that cases of smallpox existed in his family, and to his knowledge in the family of another resident of the parish; and further admitted in August to the mayor or of the municipality, that he had not quarantined the patients, or caused them to be quarantined, and had not reported the existence of the said cases of smallpox to the council;

“Considering that by law the plaintiff was bound to quarantine the cases of smallpox and to report the same to the board of health on pain of the penalty fixed by statutes;

“Considering that in the face of the claim made by the said plaintiff for compensation as medical officer of said board, the corporation defendant was entitled to pass the resolution in question;

“Considering that the plaintiff, after having taken communication of the resolution complained of, drafted a resolution practically in the same terms replacing the words: (Translation) . “The council in consequence hold him responsible for the epidemic which has resulted” by the following words:—(Translation). “The council has reason to blame him for the existence of smallpox”; and consented that the same should be passed by the corporation, and entered on its minute book;

“Considering that by reason of the acts and statements of the plaintiff the corporation defendant was justified in passing the said resolution;

“Considering that the corporation defendant acted with reasonable and probable cause, and without malice;

“Considering there was error in the judgment *a quo*