

must be consistent with the law of the land, and secondly, that the tribunal or duly constituted authority of the body, must not act in an unfair or malicious manner. The Court did not find it necessary to rest its judgment to any extent upon the pretension that the circular in question, that is to say, the *mandement* issued by the archbishop, was a privileged communication, or that any privilege whatever is enjoyed by the defendant by virtue of his office. The judgment rests entirely upon the broad grounds that the circular complained of was not in itself libellous; that religious bodies in this province have the right to manage their affairs according to their own laws and rules—always assuming that the latter are not inconsistent with the laws of the land; and that the courts will not interfere with their internal government so long as there is no unfairness or malice, and the burden of proof is on the complainant to show that there has been unfairness or malice. In the present case it was held that the publication of the circular, to the members of the Catholic Church, was proved to have been made in the exercise of a right, and as it contained nothing which had been shown to be unfair or malicious, the injury thereby caused to the plaintiff's business did not give rise to an action of damages. In this view of the case it was unnecessary for the Court to decide whether the *appel comme d'abus*, which existed before the Cession, could now be entertained by the Superior Court, but his Honour held on this point that the appeal as it formerly existed had been absolutely extinguished when the country was ceded to Great Britain. It may be added that the authorities cited by the Court are extremely apposite, and show that the decision is in harmony with English jurisprudence.

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In *Kittson v. Duncan*, Dec. 17, 1894, Mr. Justice Archibald held that the provision of law which authorizes notaries to make evidence in their own behalf establish-