

N.W.T.]

[Nov. 27, 1905.]

EGGLESTON v. CANADIAN PACIFIC RY. Co.

Operation of railway—Straying animals—Negligence—Duty to trespassers.

A railway company is not charged with any duty in respect to avoiding injury to animals wrongfully upon its line of railway until such time as their presence is discovered. IDINGTON, J., dissenting, though concurring in the judgment on other grounds. Appeal allowed with costs.

G. Tate Blackstock, K.C., for appellants. C. deW. Macdonald, for respondent.

Province of Ontario.

COURT OF APPEAL.

From MacMahon, J.]

[Oct. 13, 1905.]

HAY v. BINGHAM.

Libel—Newspaper interview—Publication—Privilege—Innuendo—Meaning of words—Nonsuit.

A defeated candidate in an interview with a newspaper reporter the day after an election informed him that the plaintiff (who was a political opponent and an active party worker) had as soon as it was known he was in the field, come to and asked him to endorse a note for \$1,000, which he refused to do, and had also later in a speech accused him of disloyalty. The plaintiff claimed the innuendo was that he had offered his services and support as a bribe and had corruptly offered to desert his party and abandon his principles and support the defendant at the election if he would endorse his note; that his opposition to the defendant's candidature was not due to principle or party loyalty, but to the defendant's refusal to endorse the note; and that because of such refusal the plaintiff not only opposed his candidature, but attacked him personally and accused him of disloyalty. The interview was published and the defendant next day called at the newspaper office, and the only thing he found fault with in the report was the omission of a few words in the introductory part. At the trial the judge allowed the case to go to the jury, who found a verdict in favour of the plaintiff.

On an appeal by the defendant it was