

Full Court.]

[March 9.

GRIFFITHS v. WINNIPEG ELECTRIC RY. CO.

*Jury trial—Action for damages caused by alleged negligence.*

Appeal from judgment of MATHERS, J., noted, ante, p. 177, ordering trial of this action by a jury, dismissed with costs.

Manahan, for plaintiff. Aikins, K.C., and Laird, for defendants.

Full Court.]

MOORE v. SCOTT.

[March 9.

*Promissory note—Holder in due course—Rescission of contract—Plea of fraud—Amendment—Restitutio in integrum.*

Appeal from judgment of MATHERS, J., noted, ante, p. 174, dismissed with costs.

Aikins, K.C., and J. F. Fisher, for plaintiff. A. J. Andrews, and Burbidge, for defendants.

Full Court.]

[April 8.

NAGY v. MANITOBA FREE PRESS CO.

*Slander of real estate—Publication of statement that house haunted—Damages.*

Appeal from judgment of MacDonald, J., noted ante, p. 118, allowed with costs, Perdue, J. A., dissenting.

Per RICHARDS, J.A.—The members of the Court should, as educated men, assume that there are not such things as ghosts and therefore that the statement published by defendants was necessarily false. It is necessary, to enable the plaintiff to succeed, that she should prove malice in the strict sense of the word. It should be presumed that the reporter and the editor who were responsible for the publication of the article, as educated men, knew that the statement was false, and therefore, had no reasonable justification or excuse for publishing it. They thus rendered their employers, the company, liable in damages for the natural results of such publication even though such results were not foreseen by them.

The evidence shewed that the plaintiff lost a sale of the house in consequence of the publication and that the house, being