

PRVINCE
OF
LOWER CANADA, }

IN APPEAL.

JOHN MUNRO,

Appellant,

AND

PAUL VALLE,

Respondent.

THE RESPONDENT'S CASE.

THIS was an "Action d'Injures" brought by the Respondent Paul Vallé, Esqr, Surveyor of the Highways &c. for the City and Parish of Quebec against the Appellant John Munro, a Merchant of this City.

The Declaration contains two Counts, the first of which alleges the Appellant to have, with the malicious intent therein expressed, *composed and published and cause to be published* a Libel containing the false, scandalous, malicious, defamatory, libellous matter therein recited of and concerning the said Paul Vallé and his said Office of Surveyor &c.—The second Count states the Appellant to have *published* the same Libel with the like malicious intention &c.

The inconveniences alleged by the Respondent to have resulted to him from the composition and publication of this Libel are fully enumerated in his Declaration.

Conclusion £1000 Damages and Costs.

The Defendant/Pleas were :

1^o Défense au fonds en droit which the Defendant upon argument could not support.

2^o A défense au fonds en fait, upon which issue having been raised, an Enquête was ordered, which accordingly took place on the ~~fifteen~~ 15th of October last, when it was proved that the Libel alleged in the Respondent's Declaration was all ~~at~~ the proper hand writing of the Appellant, and had been publicly handed by him to the Clerk of the Peace, Mr. Perrault, in the Court of Quarter Sessions sitting that Court at Quebec, and there publicly read at the Appellant's request before a full audience.

The Appellant endeavoured to prove by witnesses his pecuniary inability to pay a large sum of money and how far he has succeeded, would still be a problem, were it not evident that the Court below have been powerfully moved by his Plea of Poverty and have on that account chastised him with a sparing hand.

The Judgment of the Court below by which the Appellant was on the nineteenth of October last found guilty of composing and publishing the scandalous Libel exhibited by the Record, condemns the Appellant to pay to the Respondent the very moderate Sum of £50 currency with costs, and from that Judgment the present Appeal has been brought.

The reasons of Appeal are reducible to three.

1st. The insufficiency of the Declaration.

2dly. The want of Evidence to support the Action.

3dly. The illegality and inadmissibility of the Respondent's Evidence.

The Respondent's Answers are general.

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Sullivan de St. Real

Avocat

15th June 1877