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SUPREME COURT OF CANADA.

OTTAWA, Dec. 13, 1892.

Manitoba.]

MANITOBA FREE PRESS COMPANY v. MARTIN.

Libel—Personal attack on Attorney-General—Pleading—Rejection of evidence—Fair comment—General verdict—New trial.

In an action for a libel contained in a newspaper article respecting certain legislation, the innuendo alleged by the plaintiff, the Attorney General for the Province when such legislation was enacted, was that the article charged him with personal dishonesty. Defendants pleaded "not guilty," and that the article was a fair comment on a public matter. On the trial the defendants put in evidence (plaintiff's counsel objecting), to prove the charge of personal dishonesty, and evidence in rebuttal was tendered by plaintiff and rejected. Certain questions were put to the jury requiring them to find whether or not the words bore the construction claimed by the innuendo or were fair comment on the subject matter of the article; the jury found generally for the defendants; and in answer to the trial judge who asked if they found that the publication bore the meaning ascribed to it by the plaintiff, the foreman said: "We did not consider that at all." On appeal for an order for a new trial:

Held, that defendants not having pleaded the truth of the charge in justification the evidence given to establish it should not have been received, but as it had been received evidence in rebuttal was improperly rejected; the general finding for the de-