

which condemned Beers to pay \$10 damages, and put the parties out of Court, leaving each to pay his own costs.

DORION, C. J.—We have not to decide whether the amalgam was pernicious or not. The question is whether Beers did not libel Bowker in accusing him of using a substance which the latter had asserted to be injurious. The charge of using it is not proved, and under the circumstances there would be an injustice in putting the parties out of Court. The judgment must be confirmed.

RAMSAY, J.—Dr. Bowker is a very fortunate litigant, because by writing in a very lively style he laid himself open to an answer. But the answer was too severe, for it made out that Bowker was using a substance which, by his own confession, was an injurious poison, to fill teeth with. Bowker had to defend himself from this charge. There was no plea of compensation fyled, only one of provocation. But the Court says: You went further than the provocation; we have not to weigh two injuries; therefore, we have to say that some damages are due. The Court has fixed the damages at \$10, and I think that is enough, considering the excessive sharpness of Dr. Bowker's article on a scientific question and one of great nicety.

SANBORN, J.—I don't see any question of compensation here at all: Bowker's charge was against a body of men, not against an individual. If you accused all Irishmen of being bad, an individual could not bring an action for that. Beers answered by a charge that amounted to this: that Bowker was an impostor because he was guilty of using the very same poisonous amalgam that he had condemned. that was the real gist of the charge. Every one knows that there is a good deal of disputing between gentlemen connected with the healing art; probably because there are no umpires in that profession. In the legal profession there are the judges to decide, and they become the objects of criticism.

Judgment confirmed, Taschereau, J. dissenting.

Messrs. Carter & Keller for the appellant, and Messrs. A. & W. Robertson for the respondent.