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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

OCTOBER 28TH, 1918.

*WILSON v. LONDON FREE PRESS PRINTING CO.

Libel—Question whether Words Used were Defamatory—Question for Jury—Judge's Charge—Words Capable of Defamatory Meaning—General Verdict for Defendants—Libel and Slander Act, sec. 5—Verdict not Perverse.

Appeal by the plaintiff from the judgment of MIDDLETON, J., upon the verdict of a jury, dismissing the plaintiff's action for libel with costs.

At the time of the alleged libel, the plaintiff was an alderman of the City of London. The defendants were the owners and publishers of a newspaper.

The complaint was that the defendants systematically published false and malicious reports to the effect that the plaintiff was not attending to his duties as alderman. The offence consisted in the omission of the plaintiff's name from the report of the proceedings of the council. There was evidence to the effect that the plaintiff had complained that the reports given by the defendants did not do him justice, and thereupon the defendants did not report his presence or refer to him by name in the proceedings of the council. On one occasion it was stated that the persons named, not including the plaintiff, were the only aldermen present, when in fact the plaintiff was present.

The defendants did not dispute that their manager had given instructions not to refer to the plaintiff in the report of the proceedings of the council, but averred that it was a mistake of the reporter in the one instance when the word "only" was used.

The jury found a general verdict for the defendants. No objection was taken to the Judge's charge.

* This case and all others so marked to be reported in the Ontario Law Reports.