

COURT OF APPEAL.

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Slander. — Privileged occasions. — Presumption. —  
Municipal Councillor.

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MONTREAL, 22 mars 1911.

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Sir L. A. JETTÉ, C. J., TRENHOLME, LAVERGNE, ARCHAM-  
BEAULT, ROY, *ad hoc*, JJ.

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THE MONTREAL LIGHT, HEAT & POWER COMPANY *vs*  
J. B. CLEARIHUE.

HELD.—1o. That on action for damages for slander, it is not only necessary to consider the words used, but the intentions and motives of the party using them, must be taken into account, as well as the person to whom they are addressed and under what circumstances;

2o. That the intention to cause an injury, or malice, is an essential element in matter of slander;

3o. That if the circumstances show that the person accused of a slander acted in good faith, in the discharge of a duty, or upon an occasion justifying such person to think he had the right to speak as he did, the presumption of malice arising from the words used disappears and it then becomes necessary to prove malice otherwise there is no slander;

4o. The words "privileged occasions" do not imply that the person who makes slanderous statements is never responsible for them, but they simply mean that words