

bring a man into public disgrace. A man may often say or write a thing which, although imputing a crime or a misdemeanor, or something to another, yet will not submit him to any liability, because it may be spoken on an occasion which justifies, and if there had been nothing further here than the publications of the *Globe* issued on the 11th and 19th November, probably the plaintiff could not have asked you to say that the defendants had been guilty of any wrong. In other words, there was an occasion in which circumstances were mentioned which called for grave public disapprobation on the part of anyone following the employment of a public journalist. It was his privilege and his duty to stigmatize the facts which appear to have been brought to him in the strongest manner. I should have had no hesitation in ruling that if the libels were only those contained in the newspapers of the 11th and 19th, there was no libel at all, because there was a perfectly just reason for the discussion, for it was not shown that the articles were not honestly written by the defendant. Plaintiff complains that after the charge was made, the defendants were not willing to accept the denial of the plaintiff. Plaintiff denied the charge, and the plaintiff suggested that he would have been satisfied with it, and the only thing which justifies his appearance in Court to-day is the publications of the 25th and 26th.

It is for you to say what those publications mean. I shall not trouble you with repeating all those publications; but I will read one or two for you, in order to illustrate what I mean to refer to as to the way in which the plaintiff sets out his case. He sets out two counts, in one of which he sets out the libels, what he calls libels, interspersing them at suitable places with inuendos, which he says these libels bear. (Reads.) Plaintiff says that these libels mean that he simply tendered for the purpose of inducing some other tenderer who had command of greater means, and would be more likely to be able to command the tender, for the corrupt purpose of being bought off. When you come to look at the libels, it will be for you to say what they are. You will say whether that is the fair meaning to be deduced from the language which has been used; whether the plaintiff is right in that, or whether the view which the defendants put forward with considerable ingenuity is correct, in which they say that they do not mean to charge him with receiving the money, but that the money was paid for the withdrawal of his tender. In another statement of the charge the plaintiff says, "I do not care what the libels mean, as I have set them out; I simply copy them all out, and lay them before the jury, and ask them to say what they mean, apart from any sense I put upon them;" and he asks you to say that they are in themselves libels.

It is for you to say whether, looking at the publications alone, or with the meanings which the plaintiff attaches to them, whether they are libels. Defendants deny publication; deny that they were actuated by any malice in publishing these statements; and, in the second plea, defendants say that the libels, apart from the meanings which the plaintiff has chosen to attach to them, are true.

I have held that there is evidence before you of malice. There are two things which you have to be satisfied of in a case of this kind; first, that there is malice; and, secondly, of publication. The publication of these documents is admitted. I have told you that there is evidence of malice arising from the fact that after the denials written by Mr. Boyle were sent to the defendants, they continued to publish charges respecting him; that is, if they bear the meaning the plaintiff says they mean. You may attach what weight you like to that; you may say that it is not malice at all; you may say these articles do not contain any charge which is injurious or defamatory to Mr. Boyle. The defendants undertake to establish the second plea, and that is the one in respect of which all the evidence has been given; that is, that the meaning given to the libels which are charged were and are true in substance and in fact. I think it is better for a judge not to express any opinion as to whether there has been a libel or not; but I think I ought to tell you, in view of the contention which the defendant's counsel had urged to you so strongly, that the meaning of these articles as we have them is plainly to charge Mr. Boyle with having committed corruption. However, you may not pay the slightest attention to that. You may simply find that it was paid to Cotton in the manner described, and