

Mr. Lizars, challenged one of the most respectable and straight-forward men in the County, as he was a friend of the Plaintiff.

The counsel for the Plaintiff then stated the case to the Court and jury. He said this was an action brought by the Plaintiff, Dr. Shaver, for words spoken and published by the Defendant, Linton, against the Plaintiff to this effect: that he was not a licensed practitioner for Upper Canada. The Defendant had not only spoken these libellous words, but had written and published the same throughout the length and breadth of the land, for no other purpose but of injuring Dr. Shaver in his practice.

The Defendant had caused to be printed and published in the *Pilot* newspaper, and other journals, some of which are now produced, in which he had used the words that "Dr. Shaver was simply *unlicensed* according to the laws of Upper Canada." The Defendant had circulated these interesting discoveries in the very midst of Dr. Shaver's patients.

The Plaintiff in this case did not come into Court for the purpose of obtaining damages from the Defendant, but he had come there to-day to establish his legal right to practice his profession in Upper Canada, irrespective of the Governor's license, and to set at rest forever the right of a Licentiate of the College of Physicians and Surgeons of Lower Canada to practice in Upper Canada. The verdict of the jury this day would finally decide this matter, and teach to the Defendant the old adage that parties should not "thrust their noses in other people's business," especially when so apparently ignorant of the law.

The first witness called was J. A. McCulloch, solicitor, who being sworn saith, I know intimately the Plaintiff and Defendant in this action; was deputed by Dr. Shaver to call upon Mr. Linton, and demand an apology for the slanderous and libellous words which he had circulated. Witness called at Defendant's office, and asked an apology, but Defendant refused, saying Dr. Shaver was not licensed for Upper Canada, and could not practice legally without the Governor General's license. Defendant said he did not care what Plaintiff held from Lower Canada, he could not practice in Upper Canada without the Governor's license.

Sheriff Modderwell being sworn saith,—I know the parties in this action; the Plaintiff has always attended my family professionally. In a conversation with the Defendant with regard to sending away a lunatic to the Provincial Asylum, the following interview took place. Witness asked Defendant when are we going to send that lunatic away to the asylum. Defendant replied as soon as we could get three qualified medical men to examine said lunatic. Defendant said I have already got two, and we want a third. Witness said, here is Dr. Shaver, he will do. Defendant said, no, I will not take Dr. Shaver, because he is not licensed for Upper Canada, as he has not the Governor's license; and Defendant said he wondered that witness had not more *pluck* than to employ the Plaintiff after what had been said about witness and Defendant in the "British American Journal" for Montreal.

John M. Robb, Esq., ex post-master, being sworn saith,—Dr. Shaver is my family attendant; some time since I received a bill from the Plaintiff for medical attendance and refused to pay it, thinking the bill rather large; and as I had