

upon motion of plaintiff, striking out paragraphs 5, 6, 7, 8, and 9 of the defence, and also the counterclaim, but giving plaintiff leave to amend.

H. M. Mowat, K.C., for defendant.

No one appeared for plaintiff.

The judgment of the Court (MEREDITH, C.J., MACMAHON, J., TEETZEL, J.), was delivered by

TEETZEL, J.—The action is for libel. . . The County Court Judge followed *Murphy v. Halpin*, Ir. R. 8 C. L. 127. . . Plaintiff was an alderman of the city of Ottawa, and as such was a member of the building committee of the public library, and defendant was the contractor for the stone and mason work of the library building. The libel complained of was in a letter written by defendant to the editor of the Ottawa "Evening Journal," published in that newspaper on 23rd October, 1903, in which, after calling attention to certain statements made by plaintiff at a meeting of the committee criticizing the work upon the library building, defendant proceeds to charge in effect that plaintiff was actuated in his criticism by spite and bigotry; that plaintiff was himself an incompetent mechanic; that certain buildings were put up by plaintiff "of which he ought to be ashamed;" that plaintiff owed defendant an account which he had to force him to pay; that plaintiff was always in a quarrelling mood; and that "if the like of Alderman Hope-well is a fit man to inspect my work, it is time I quit building."

The paragraphs of the defence struck out allege that plaintiff at said meeting, well knowing the public character thereof, and that the proceedings thereat would be duly reported in the public newspapers, made several serious charges in respect of the manner in which defendant was carrying out his contract, alleging that the work had an appearance of "botch work," and that "the hand of a mechanic did not shew in any of it;" that in making the charges plaintiff claimed to be specially qualified to make the same by reason of being himself a public contractor; that the said charges were duly reported in the public newspapers, especially the said "Evening Journal," and became and were matters of great public interest; that if defendant wrote the said letter, it was addressed to the editor of said newspaper and was published to the said editor and in said newspaper by defendant, as he might lawfully do, in reply to the charges so