

Province of Manitoba.

COURT OF APPEAL.

Full Court.]

KING v. LAW.

[Dec. 6, 1909.

Criminal law—Libel—Evidence to show that accused cherished ill-feeling towards person libelled or her relatives—Inference from similarity of style and use of common terms in libellous and admitted writings—Proof of handwriting by evidence of experts only.

1. At a trial for criminal libel, the prosecutor should not be allowed to give evidence of acts of hostility on the part of the accused towards the prosecutor or relatives leading only to the inference that the accused cherished feelings of ill-will towards the prosecutor; and, if such evidence has been admitted, although without objection, the jury should be told that they should give no weight to it.

2. A comparison of style and common forms of expression in the libellous and admitted writings should be by experts or skilled witnesses and, without such evidence, the trial judge should not invite the jury to draw any inference from such similarity in style or expressions.

Scott v. Crerar, 14 A.R. 152, followed.

Per PERDUE, J.A.:—"When the only evidence of the handwriting of the accused is that of experts, and an equal number of experts contradict their opinions, the accused denying the authorship on oath, the jury should be told that the prosecutor had failed to establish the guilt of the accused.

Patterson, K.C., Deputy Attorney-General, for the Crown.
Dennistoun, K.C., for the prisoner.

Full Court.]

[Dec. 13, 1909.

TIMMONS v. NATIONAL LIFE ASSURANCE CO.

Practice—Particulars of malice in libel action—Interrogatories.

Where the defendant has pleaded privilege in an action for libel, and anticipates that plaintiff will endeavour to prove malice to rebut the privilege, he is not entitled to an order requiring the plaintiff to furnish particulars of express malice charged by the plaintiff against the defendant as affecting the publication com-