

contempt, hatred, scorn or ridicule, and which, by engendering an evil opinion of him in the minds of right-thinking men, tend to deprive him of friendly intercourse and society.

We wot of some good specimens of slanders that Mr. Odgers passeth by. Old Brownlow gives them: *Payn* against *Milton* gave all the justices an opportunity of deciding that an action will not lie for calling one "a sorcerer and inchantor;" "for sorcerer and inchantor are those who deal with charms or turning of books, as Virgil saith, '*Carminibus Circes, socios mutavit Ulissis,*' which is intended Charms and inchantments, and conjuration is of *con et juro*, that is, to compell the devill to appeare, as it seems to them, against his will, but which is that to which the devill appeares voluntarily, and that is a more greater offence than sorcery or inchantment, which was adjudged that action doth not lie for calling a man a witch." In the witch case, the words used were, "He is a witch, and hath bewitched me," and the court said, "he might bewitch him by fair words or fair looks." Yet in another case, where the words were, "The devil appeareth to thee every night in the likeness of a black man riding on a black horse, and thou conferrest with him, and whatsoever thou dost ask he doth give it thee, and that is the reason thou has so much money, and this I will justify." The plaintiff recovered damages. "*Simpson* against *Waters* in an action upon the case for slander, that is, thou art drunk, and I never held up my hand at the bar as thou hast done; agreed that an action does not lie for these words, for peradventure he intended buttry barr."

But to return to our text-book In considering the question of slander or no slander, what meaning the speaker intended to convey is immaterial. In construing the words, their true meaning must be held to be what the hearers understood by them, always provided the hearers are persons of ordinary intelligence, and that to ordinary English words they give their ordinary English meaning. Some words are obviously defamatory, such as "Frozen snake," "Judasa," "An itchy old toad" and "Pettifogging shyster" (as applied to a lawyer); and judges and courts have no right to be ignorant of the meaning of current phrases which every one else understands. Some words are neutral, such as technical, provincial or foreign words; then an innuendo must be given to disclose their actionable meaning. "You are a bunter;" "Thou art a clipper, and thy neck shall pay for it;" "He is a lame duck," "He is a welcher," "A blackleg," "A black sheep." With the aid of innuendos, all these seemingly innocent expressions may be actionable. Apparently, a lone Choctaw Indian or a Fiji Islander might stand all day long in our public streets, and hurl the vilest epithets his lingo contains at our best and purest citizens, and yet there would be no slander, for the bystanders must understand.

It seems innocent enough to call one "A healer of felons," "A man Friday," or to say, "He hath eaten a spider," "Ware hawk there, mind what you are about," "An honest lawyer," or to remark, "I never set any premises on fire." Yet, with a proper averment as to what the meaning was, you may be held responsible in damages for these casual expressions.

In days long gone by it was *scandalum magnatum* to say, as Mr. Proby did,