

evidence for the defendant. The plaintiff, by the appeal judgment, was condemned to pay the costs of the trial and of the appeal in any event of the action, a very satisfactory result, we should say, for the newspaper. The second trial took place last Spring, before Mr. Justice Rose, and resulted in a disagreement of the jury, there being three for the plaintiff and nine for the defendant. The third trial, in the early part of the present month, before Chief Justice Falconbridge, ended in a similar division of the jury. The Herald, we notice, claimed that there were really ten jurors in its favor, but without costs to either party (ten being sufficient to find a legal verdict), but that, through some mistake, this decision was not handed in. Be that as it may, there have been two abortive trials of the action in which each party is left to pay his own costs.

Then, as to the other actions. That against The Mercury was settled between the parties. That against The Advocate went in favor of the defendant, but was appealed against, and the appeal is still standing. That against Dr. Stirton went in favor of the plaintiff with \$100 damages, the judgment being for this amount and costs. An appeal was also taken in that action, and, although argued, is as yet undecided.

The judgments in the appeal to the Divisional Court, in Stirton vs. Gummer, deal with two questions which are of importance to the newspaper press. One is whether a letter, written for and published in two certain newspapers against the editor of a third paper, is admissible as evidence for the defendant in an action by the writer against the publisher of the third paper, the editor and publisher being two distinct persons. The court held that it is, especially when the letter is connected with the statements complained of in the action by the writer against the publisher of the third paper. In such a case, the editor and publisher of that paper, although separate individuals, are virtually one for the purposes of the action.

The other question is, whether editorial comments in the two certain newspapers on the letter so published in those papers are admissible evidence in favor of the defendant publisher of the third paper. On this point the court of two judges was divided, and the question must be regarded as still unsettled. There are also some nice legal questions involved in the appeals in the other two cases, and these may be noticed later on. In The Herald case, Messrs. W. R. Riddell, Q.C., and Guthrie & Watt have acted for the plaintiff, and Messrs. J. King, Q.C., and Macdonald & Drew for the defendant, throughout the litigation.

Aubrey C. Hamilton, of The New York Commercial Advertiser, died in New York, September 26. He was born in Halifax, and in the early 80's was connected with The Toronto Globe, The Ottawa Free Press and other papers. He was a correspondent in Cuba during the war.

Printers who have Buntin, Gillies & Co.'s sample books of wedding stationery, folders, etc., are requested to send them to the firm for revision. A great number of new lines have been added to their stock this year and the value of samples are thus greatly enhanced. The revision and new samples cost nothing.

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MR. D. G. SMITH, OF THE MIRAMICHI ADVANCE

Editor PRINTER AND PUBLISHER,—I presume that with your experience as publisher you are aware that libel proceedings have no terrors for our Guild. I will not, therefore, say that one is impending over you, but I ought to go gunning after you for putting me before the country in not only one but two false positions. I enclose two clippings from THE PRINTER AND PUBLISHER for September. In one you produce a flattering picture of me and represent me as editor of The Chatham World, in the other as of the Chatham, N.B., Advocate.

I don't own the earth, and am sure that the editor of the first-named paper would not entertain any proposition, just now when a Federal election is pending, which would involve the placing of the tiller of his little craft in hands other than his own. As to The Advocate, which is published in Newcastle, not Chatham, it gets along very well without my assistance, while I am content to remain in the humble position of editor of The Miramachi Advance, which I established here twenty-six years ago.

I presume that the publisher of The World will order a large number of THE PRINTER AND PUBLISHER containing the picture of its alleged editor for distant circulation.

Truly yours,

Chatham, N.B., Sept. 28, 1900.

D. G. SMITH.

[Mr. Smith has our abject apologies. His case was on a par with the error made in saying that Hon. J. V. Ellis was connected with The St. John Sun. The opinion which the editor of PRINTER AND PUBLISHER has of himself for making these two mistakes is unfit to appear in these respectable columns.—Editor PRINTER AND PUBLISHER.]