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No. 41.

HIGH COURT OF JUSTICE.

MIDDLETON, J., IN CHAMBERS.

JUNE 25TH, 1910.

GREENHOW v. WESLEY.

*Libel—Slander—Newspaper — Pleading — Security for Costs—
Necessary Material upon Application — Nature of Defence—
Facts Shewing Good Faith—Publication for Public Benefit.*

Appeal by the defendants from the order of the Master in Chambers, ante 996, dismissing the defendant's motion to strike out paragraph 6 of the statement of claim and for security for costs.

G. H. Kilmer, K.C., for the defendants.

M. C. Cameron, for the plaintiff.

MIDDLETON, J.:—Paragraph 6 of the statement of claim in no way aids the plaintiff's action for libel, but is in itself a count for slander, and cannot be struck out.

It may well be that the defendants have a good defence based upon privilege, but this will not help the defendants so far as the motion for security for costs is concerned. The law only protects newspaper editors and publishers in actions of libel, and has not yet given them privileges and immunities beyond ordinary individuals in actions of slander.

I do not allow the affidavit of J. A. Wesley, not filed upon the motion before the Master, to be now put in. The statute relied upon by the defendants is one passed for the benefit of a class, and confers very special privileges, and those invoking it must comply strictly with the practice.

The material filed by the defendants does not shew what is required by the statute. They state, what they no doubt believe, that they have a good defence, but they must shew the nature of the defence. When they ask that it be found that the libel was published in good faith, they must condescend to give the facts surrounding the publication, so that their good faith may be ascer-