

MAY 9TH, 1905.

DIVISIONAL COURT.

STONE v. JAFFRAY.

Defamation—Finding of Jury—Meaning of Words Published—Defamatory Sense—Damages.

Appeal by defendant from judgment of TEETZEL, J., in favour of plaintiff in an action for libel, tried with a jury.

The publication complained of was alleged to be defamatory of plaintiff in reference to his conduct in two matters, one in connection with the flotation or attempted flotation of a binder twine company, and the other as to his connection with the attempted formation of an hotel company in London.

The jury found for defendant as to the first of these matters, their finding as to it being: "We find in the case of the binder twine factory no bill for libel."

As to the second matter the jury found for plaintiff with \$2,500 damages, for which judgment was directed to be entered for plaintiff with costs.

The appeal was heard by MEREDITH, C.J., BRITTON, J., ANGLIN, J.

G. C. Gibbons, K.C., for defendant.

J. P. Mabee, K.C., for plaintiff.

MEREDITH, C.J.:—The alleged defamatory words as to which the jury found for plaintiff are as follows: "It is reported that one Stone (i.e., plaintiff), a recent arrival in London, who has failed to foist some hotel scheme on the city, has allied himself with the promoters who have decided to work the farmers into this gigantic flotation (i.e., the binder twine scheme)." . . .

I am of opinion that the words complained of . . . were capable of the defamatory meaning which, in the light of the charge to them and their finding, the jury must have thought they actually bore, that is to say, that they imputed to plaintiff dishonourable or discreditable conduct; that he had thrust or forced, in a surreptitious way or without warrant, or impertinently, dishonestly, or untruthfully, the hotel scheme upon the citizens of London.

The trial Judge, therefore, properly left the case to the jury, and the appeal fails.