

vacant, was damaged by crowds resorting to it on account of, the report that it was haunted.

Per PHIPPEN, J.A.—I agree that the article was untrue, that it caused actual damage to the plaintiff and that such damages were the logical result of the publication. The article directly referred to the plaintiff's premises, it falsely imputed a condition which naturally resulted in loss. It was not published on any public or privileged occasion nor did it deal with a matter in which the defendants were specially interested. To my mind, as against the plaintiff, it was wrongful and as such actionable, apart altogether from any consideration of actual malice. It falls within the principle of *Riding v. Smith*, 1 Fraser (Court of Sessions Cases, Scotland) 327, rather than within that other class of cases where, on the ground of public policy, the Courts have held honest statements to be lawful, although occasioning damage to the innocent.

Per PERDUE, J.A.—In such a case the plaintiff must prove that the statement is false, that it was published maliciously and that special damage resulted.

The statement can only be actionable if it was intended to be believed and was believed by some person who was influenced by it to the detriment of the plaintiff: *Longridge v. Levy*, 2 M. & W. at p. 531. But, if it was so repugnant to common sense and common knowledge that no proof of its untruth would be necessary, it is difficult to see how anyone could have been deceived by it. The plaintiff failed to shew that the statement complained of was wrongful and was made with the knowledge that it would cause, or was likely to cause, injury to the plaintiff, or that the defendants, in publishing it, intended or contemplated any injury to the plaintiff or her property, and without such evidence the plaintiff should not recover. Intention to injure must be established either directly or by reasonable inference to support such an action: *Quinn v. Leathen*, (1901) A.C. 495, at p. 524; *Read v. Friendly Society*, (1902) 1 K.B. 732, at p. 739. It is clear that the statement was only published as an item of news, with no intention to do any wrong to the plaintiff, and without any idea that the publication would cause any damage to the plaintiff's property.

The plaintiff also failed to prove that she sustained special damage resulting directly from the publication complained of. The finding of the trial Judge on this point and as to those parts of the evidence which should be believed or disbelieved should not be interfered with. It must be shewn that an actual