

position he was entitled to, and to clear him from the stigma attached to his name by the article on which the charge of libel was founded.

His lordship then summed up with great judgment. He said the first question the jury had to decide was whether there was a libel or not. In many cases the defendant was enabled to prove the truth of his assertion, but if he wished to avail himself of this he must plead it. But in this case this plea had not been alleged. He simply said that he denied the issue of the publication, and left the truth of the libel as a question of fact. If it was a libel they must find it. The question of damage was a different thing. If the libel was true, there must still be a verdict against the defendant, for there was no question with regard to that before the Court. With regard to the heading of the article, "A Sad Case," he did not think it a heading inappropriate. If it had been "An Outrageous Case," or "Gross Professional Misconduct," it might have been held to be libellous. If the intention of the article was defamatory—and the jury had to follow their own conclusions as reasonable men—then they would find a verdict for the plaintiff; but if they thought that there did not appear in the article any evidence of such an intention, then they would find a contrary verdict. The immense number of newspapers published each year when compared with the small number of cases of libel, which were brought forward in their courts, showed the moderation with which the press was generally conducted, and the fair amount of liberty afforded them for their criticism. But if the article was of such a nature as to ruin the character of a professional man—and it was their duty to consider whether that would be the result of the publication in point—then that liberty was exceeded and a charge of libel was established. The influence exercised by newspapers was very large, and any charges made against a man in them were always calculated to do injury. In the present case, the plaintiff stated that the article had been used against him by one of his profession, and had the effect of decreasing his practice. An apology, if at once tendered, might have set him right, but that was refused, and now he sought damages as the only means whereby he could clear his reputation. They must consider the whole matter as reasonable men, and give a verdict according to their construction of the motive of the writer. The plaintiff was anxious to be set right before the public.

The jury then retired, and after two hours' consultation, returned a verdict for the plaintiff with \$100 damages.