

PHASES OF THE LIBEL LAW.

A CURIOUS LIBEL SUIT.—The Belleville newspapers of September 27 last contain reports of a curious libel suit against The Marmora Herald, which was tried at the Hastings Assizes before Hon. Sir John A. Boyd, Chancellor of Ontario. The plaintiffs, a farmer and his wife named Booth, sued Mr. Rendol Snell, the publisher of The Herald, for \$1,000 damages for publishing the following paragraph :

The Belleville Sun says : Last week a case was tried in this police court which was not given forth to the press, but like murder it came out. Some time ago a man named Doughty who lives near Ross' Corners had some grain stolen from him, and a county constable took hold of the case, but before he had trace of the goods Doughty went to a Mrs. John Booth, of Rawdon. Mrs. Booth is reputed to have a magic crystal or mirror, and by the aid of this and her wonderful powers, she described the place where the grain was stowed, the man who took it, and the kind of men who stole it. This exhibition of witchcraft came to the ears of the authorities, and Mrs. Booth and her husband were brought before Magistrate Flint, accused of witchcraft and the aiding and abetting in the same. The offence was admitted and a fine and costs, amounting to \$31, was imposed. This is the second offence for the Booths. Mr. P. J. M. Anderson prosecuted the case.

This was alleged to be a "false and malicious libel." The defendant was asked by the plaintiffs' solicitors to retract and apologize, but he pluckily refused, and fought the case out and won easily hands down. The defence was that the statements complained of were substantially true ; that they were fair comments on a matter of public interest ; that they were a fair report, copied from The Sun, of proceedings in the Police Magistrate's court at Belleville, and were privileged ; and that, in all these respects, they were published in good faith and without malice towards the plaintiffs. The only witness sworn for the plaintiffs was the female plaintiff herself, a very respectable and intelligent-looking woman, whose cross examination by Mr. John King, Q.C., counsel for the defence, was decidedly entertaining. In answer to his questions it appeared that she and her husband had been charged, before the Police Magistrate at Belleville, with pretending, from skill or knowledge—in some occult science, to discover where or in what manner certain goods and chattels, supposed to have been stolen, might be found. Both defendants were convicted, and the sum of \$31, the joint fine and costs, was paid by the husband. The wife was not present before the magistrate, but the husband, who pleaded guilty, signed a paper in which he stated that he was authorized to plead guilty for her also. The woman swore that she had the power, which was "a gift from God," to tell, by looking into a "diamond" crystal, where lost or stolen goods could be found ; that she had done this for "several parties" before ; and that she had been fined on a former occasion for doing it. She had by that means given Mr. Doughty, named in the paragraph, a "description" of the men who had stolen his goods. She was asked if she could tell in that way what damages the jury would give her in this action, and where the stolen money, picked from Mr. King's pocket a few months ago in Toronto, could be found. Her answer was, "not to-day, because it would be against the law." Her conviction had evidently given her new light on the subject. The magic "diamond" was produced by the witness, and is said to resemble the cut glass pendant of a chandelier. The cross-examination of the

woman showed that the statements in The Herald were substantially true, and the judge thereupon stopped the case and nonsuited the plaintiffs with costs. Or, as pointedly announced in large headlines by one of the local papers—"The 'Black Art' Libel Case was stopped by the Judge, and thrown out of court."

This curious case is a pretty good lesson in newspaper libel for both lawyers and laymen. There are evidently some intelligent people who still believe in a very questionable sort of supernatural wisdom, and it is just as well for all such to know that the ancient law against that pretended knowledge, call it "witchcraft," "occult science," or what you will, is still in good working order. The Herald publisher and his solicitor, Mr. S. J. Cooley, are to be congratulated on the result. The Sun, in which the paragraph originally appeared, escaped proceedings by the publication of an "explanatory item." If it had joined hands with The Herald, it would have gained a share of the special credit which is rightly due The Herald for having the courage of its convictions, and of being promptly sustained by the court. The action was a very frivolous and vexatious one, and security for the defendant's costs should have been compelled. The summary disposition of it by the court should prove a warning to all persons hunting for libel suits against newspapers.

LINDSAY VS. THE CITIZEN.—The Ottawa Citizen will appeal against the verdict for \$500 found for Mr. James Lindsay of the city hall by the jury at the late assizes. In referring to the case, The Citizen points out that after the appearance of the item complained of the paper twice printed explanations and apologies. It continues : "These we deemed ample. Mr. Lindsay, when on the stand under oath, was unable to say wherein the apology could have been more full ; he could not suggest any change except that The Citizen should have said it was "sorry" where it employed the word "regret." The defendant did not call any witness, but relied upon the case as it was presented by the plaintiff's own evidence. The judge refused to allow evidence to show the irregularities which existed in city hall, and ruled that Mr. Lindsay was not responsible for the practices which prevailed under the system of administering the civic finances."

A POLITICAL DISPUTE.—At the St. Thomas assizes before Chancellor Boyd, Henry C. Cusack sued The St. Thomas Journal for damages for alleged libel, the paper having stated that \$10 he subscribed to the Conservative election fund was loaned him by T. W. Crothers. The case was tried at the last Spring assizes, the jury disagreeing, standing seven for plaintiff and five for defendant. The jury were out over three hours September 21, and again disagreed, standing four for plaintiff and eight for defendant.

MAYOR MACDONALD VS. TORONTO MAIL AND EMPIRE.—This case was tried before Mr. Justice Meredith and a jury. The Mail and Empire defended the case on the ground that the charge against Mayor Macdonald respecting the Mayoralty was not libellous, and that the charge of