

Lorimier, in February last. These articles it is contended, falsely charged plaintiff with participation in the causes which led that young Frenchman to desperation, and the attempt upon his life; that plaintiff and others had driven him to the act, etc.; that plaintiff had been in his company the night before at the Maison Dorée, etc.; that plaintiff had a terrible account to render, etc. Plea: Admits the publication of the articles, which were then believed true; that far from bearing malice towards plaintiff, defendants are not acquainted with him; that, before the articles referred to appeared, there was great excitement about that attempt at suicide by the Frenchman; a rumour had spread that plaintiff was connected with the causes leading to the attempt; the articles were of public concern, and were published in good faith as a public duty, plaintiff was known to be a public man and if the reports had been true, his conduct would have been fit subject for newspaper comment; that defendants learned that rumour was not true, and immediately retracted; expressed publicly their regret, etc., and made a second complete retraction; that notwithstanding this plaintiff preferred a criminal charge against defendants, for the same alleged libels, putting them to great expense; that the character of plaintiff has been fully restored by said apology and proceedings, and plaintiff now stands as having not been damaged, and the action is vexatious. Demurrers are to two portions separately of this plea. (Here the judge read the demurrers) The question is: is the plea demurrable? Can it be taken by portions, and these portions be demurred to?

A person libelled may bring a civil suit, or he may proceed by indictment. If he proceed by indictment, he stops defendant's mouth considerably. And it is said that he has power to pack a jury? for any juror not satisfactory, may be ordered by him upon the trial to stand aside. In Ireland this power was exercised, in the case of Dr. Jones Armstrong vs. Rev. James Quinn. The counsel for the private prosecutor ordered five of the jurors to stand aside.