

2. Under the circumstances of the case, the vagueness in the notice in reference to the precise locality on the highway where the accident occurred was not material inasmuch as the Council from its knowledge of the culverts, hollows and places where protection was needed, was given sufficient information to make investigation in view of the threatened action; and the maxim *id certum est* was applicable to eke out the apparent insufficiency of the notice. *O'Connor v. City of Hamilton*, 10 O.L.R. 529, distinguished.

Washington, K.C., for plaintiff. Kilmer, K.C., for defendants.

Divisional Court, K.B.D.] WARD v. McBRIDE. [Oct. 12.

Slander—Words imputing a felony—"Robbery"—Innuendo a legal impossibility—Explanation by other words—Right of defendant to shew facts.

Appeal by defendant from the judgment of MULOCK, C.J. Ex.D., upon the verdict of a jury, in favour of the plaintiff, in an action for slander. The defendant, who was an alderman of the city of Toronto, at a meeting of the City Council referred to an action brought by the city corporation against the present plaintiff, (*City of Toronto v. Ward*, 18 O.L.R. 214), and said that the plaintiff had "robbed the city." This was the slander charged. The defendant was at the time urging that as a reason why no consideration should be shewn to the plaintiff in a matter then before the council. He explained that what he meant by robbing the city, etc., was that the plaintiff had withheld money which had been recovered in the action. The plaintiff alleged that this was the charge of a crime.

Held, 1. The Common law does not permit any one to lay hold of a single word in a statement, and assert that as such word, in its strict legal sense, is the name of a crime, therefore a crime is imputed by the speaker using the word. The whole of the circumstances under which the word is used and the whole of the context must be considered. If it appear either from the utterances as set out in the claim or in the innuendo, or in the evidence given, that in truth and in fact there was no charge or imputation of crime, the jury should not find the defendant liable, though he had in words imputed a crime.

2. As the words alleged in the statement of claim were "Mr. Ward has robbed the city of \$25 a year," and as it could not