

ground that the verdict was perverse. The plaintiff, being under cross-examination before a special committee of the Senate, was asked whether one John Rochester, his uncle and the father of John E. Rochester, had not, in an action tried at Cobourg several years previously, brought by plaintiff against one Traves, sworn that he would not believe the plaintiff on oath. Plaintiff answered that John E. Rochester had so sworn, and he then proceeded to account for Rochester's having so sworn by stating that there had been a family feud between the Rochester branch of the family and plaintiff's branch, arising out of a law suit, tried at Ottawa, in which plaintiff's father was plaintiff, and John E. Rochester had some interest on the other side, and in which plaintiff's father had been successful; that 15 years later plaintiff himself had an action against one Traves, which was tried at Cobourg before Galt, C.J., and in which John E. Rochester had sworn that he would not believe plaintiff on oath; that Galt, C.J., himself took Rochester in hand and after examining him for a few minutes told him that if he did not leave the court house in one minute he would instruct the County Crown Attorney to prosecute him for perjury; and that when John E. Rochester was on his death-bed he sent plaintiff a message asking forgiveness. The letter published by defendants of which plaintiff complained was written by John Rochester in reply to these statements. In it he referred to the evidence given by plaintiff before the Senate committee, which had been published a day or two before in the newspapers, and asked to be allowed to give a little evidence in regard to plaintiff. He said that plaintiff's father had lost and not gained the Ottawa law suit, and insinuated that plaintiff had made a wilful misstatement in regard to that matter. He further referred to the fact that plaintiff's father had been collector of the city of Ottawa and had improperly used funds of the city, and that the law suit in question had some connection with that. He denied that Galt, C.J., had threatened John E. Rochester with prosecution for perjury, suggested that plaintiff's statement to that effect was wilfully untrue, and said that if the Judge made such a statement, which was denied, it would most likely have been addressed to plaintiff or plaintiff's father. He characterized the statement that John E. Rochester on his death-bed had asked plaintiff's forgiveness as an unqualified falsehood; said that the statement would appear ridiculous to all who knew that the deceased invariably referred to plaintiff as "a polished scoundrel" and "an infamous rogue;" and he wound up by asking defendants to publish his denial of the