POOR DOCUMENT
MC2035

In the Financial World

PRICES IRREGULAR IN WALL ST. TODAY

Rails and Industrial Remain Within Small Margin—Quiet in Montreal.

New York, Oct. 7—Stock prices moved irregularly lower at the opening of today's stock market with the majority of the standard rails and industrials fluctuating within a narrow trading area. Bayuk Brothers and General Baking each advanced a point and National Biscuit fell back one. St. Paul issues, which were heavily sold yesterday opened unchanged.

New High Record.

Montreal, Oct. 7—A further advance in Montreal Power to a new record high at 186½ was the only feature of the opening of the local market this morning. The advance represents an overnight gain of a point. With the exception of Bell Telephone, which was up a half to 138, other leaders were unchanged, and the list as a whole distinctly quiet.

NEW YORK MARKET

New York, Oct. 7.

Stocks to 12 noon.

	Open	High	Low
Atchison	106	106⅝	106
Am Beet Sugar	40	40	40
Am Ice	76	76	76
Allis-Chalmers	59	59	59
Am Can	130	130¼	129⅝
Am Int Corp	25¼	25⅝	15¼
Am Smelters	74	74	74
Am Tobacco	163	163	163
Am Tel	126⅞	126⅞	126⅞
Bald Loco	120⅝	121⅜	120⅝
Beth Steel	43⅝	43⅞	43⅝
Brooklyn Edison	118	118	118
Can Pacific	147⅜	147⅜	147⅜
Cast Iron Pipe	111¼	112⅛	111¼
Chandler	31¼	32¼	31½
Cuban Cane	12⅞	12⅞	12⅞
Cuban Cane Pfd	61⅜	61⅜	60½
Chile	31½	31⅞	31½
Corn Products	35½	36⅛	35½
Cosden Oil	23⅞	23½	23½
Cons Gas	71⅜	71⅞	71⅜
Col Fuel & Iron	42¼	42⅜	42
Columbia Gas	43¾	43¾	43
Coco Cola	75⅛	75⅞	75½
Crucible	55⅛	56¼	55½
Chic & N West	60	60	60
Del & Hudson	125	125	125
Dupont	127½	127½	127½
Erie Com	25⅝	26	25⅝
Erie 1st Pfd	37½	37½	37½
Famous Players	81⅛	81⅛	81⅛
Gen Electric	254½	255⅞	254½
Gen Petroleum	40½	40½	40½
Inspiration	24½	24½	24½
Int'l Com Engine	28½	28⅝	28½
Inter Nickel	17⅝	17⅝	17⅝
Inter'l Petroleum	19	19	19
Imperial Oil	10½b	....	....
Kennecott	44⅞	45	44⅞
Lehigh Valley	59⅞	60⅜	59⅝
May Stores	96	96	96
Marine Pfd	37⅜	37⅜	37⅜
Montgomery Ward	37⅛	38¼	37⅜
Mutual Oil	10¼b	....	....
Maxwell Motor A	59½	59½	59½
Marland Oil	33	33	32½
Mex Seaboard	22⅞	23⅛	22⅝
Mo Pacific	20⅜	20½	20⅜
Mo Pacific Pfd	56½	56⅝	56½
Magma Copper	33¼	33¼	33
New Haven	22⅝	22⅝	22⅝
Northern Pacific	62½	62¼	62½
N Y Central	105⅝	105⅝	105½
Nor & West	123¼	123½	123½
North Am Com	34⅞	34⅞	34⅞
Pennsylvania	44⅝	44⅝	44½
Punta Sugar	51	51	49½
Phillips Petroleum	30½	30½	30½
Pure Oil	22½	22⅝	22⅝
Prod & Ref	25⅞	25⅞	25
Pacific Oil	47	47	46⅞
Reading	60½	60⅝	60¼
Rep I & Steel	45½	45½	45⅛
Roy Dutch	41½	41⅝	41⅜
Rock Island	32⅜	32⅝	32⅜
Rubber	34	34	34
Rubber Pfd	87⅞	87⅞	87⅞
Sugar	45½	45½	44⅞
Sinclair Oil	15⅝	15⅝	15½
Southern Pacific	93¼	93½	93½
Southern Ry	66	66½	66
St. Paul	11½	11½	11½
St. Paul Pfd	19⅜	19⅜	19
Studebaker	39⅝	39⅝	39¾
Stan Oil Ind	55⅝	55⅝	55⅝
Stan Oil N Y	39b	....	....
Stan Oil N J	35	35	34¾
Stan Oil Ky	11¼¼b	....	....
Stan Oil Cal	56⅜	56⅝	56⅝
Texas Company	40	40	40
Tobacco B	64⅝	64⅝	64⅝
Timkens	36¼	36¼	36⅛
Union Pacific	136⅞	136⅞	136⅞
U S Steel	107⅝	107	107⅝
United Drug	92½	92½	92½
Wool	57½	57½	57½
Woolworth	113⅜	113⅜	113⅜
White Motors	62½	62½	62

Sterling—4.46.
France—5.25½.

MONTREAL MARKET.

Montreal, Oct. 7.

Stocks to 12 noon.

	Open	High	Low
Abitibi Com	57	57	57
Bell Telephone	138	138	138
Brazili.n	51½	51¾	51½
Brompton	31	31	31
Can Cement Com	85	85	85
Can Ind Alcohol	39½	40	39½
Can S S Pfd	49¾	49¾	49¾
Cons S & Min	43½	43½	43½
Dom Glass	118	118	118
Dom Steel Corp Pfd.	39	39	39
Mackay	117	117	117
Mon L H & Pr	186	187	186
Nat Breweries	58	58	57¾
Price Bros	40⅞	40⅞	40¼
Quebec Power	91½	91½	91½
Shawinigan	134½	134½	134½
Sher Williams	112	112½	112
Spanish River	104½	104¾	104½
Steel Canada	78½	78½	78
Twin City	41½	41½	41½

Banks:
Royal—235½.
Union—98.
Commerce—189½.

Victory Loans:
1933—106.55.
1934—104.10.
5% War Loans:
1928—100.90.

Canadian Government —AND— Municipal Bonds

Our list of offerings will be gladly furnished on request.

EASTERN SECURITIES CO., LIMITED

Charlottetown P. E. I. Halifax N. S.

98 Prince William Street.

ST. JOHN, N. B.

CHICAGO GRAIN MARKET.

Chicago, Oct. 7.

To 12 noon.

	Open	High	Low
Dec. wheat	150¼	152¼	148⅝
May wheat	156	156	153
July wheat	141½	141½	139
May corn	113	113⅝	113
Dec. corn	111⅛	111¼	110½

WINNIPEG GRAIN MARKET

Montreal, Oct. 7.

To 12 noon.

	Open	High	Low
Oct. wheat	165	165	163½
Dec. wheat	156¼	157	154½
May wheat	159⅞	159½	157
Oct oats	68⅛	68⅛	68¼
Dec. oats	66⅞	66⅞	64½
May oats	69	69	67¼

Banker Proposes New Credit Plan

Fayetteville, Ark., Oct. 7—(United Press)—The American banker must save the American farmer by refusing to lend him money unless he helps himself, according to Loid Rainwater, president of the Arkansas Bankers Association.

In a paper read to a group of Arkansas bankers and business men attending a special programme at the College of Agriculture, University of Arkansas here, Rainwater proposed the banker's pledge:

"I will not, in the future lend a farmer a dollar unless he agrees and does raise his food and feed; I will encourage and help him in dairying, three to five cows, or one to three acres of strawberries or tomatoes, radishes, cabbage or fruit. In other words, I will stand ready to help those that help themselves—and withhold credit from the slothful."

OPINIONS ON THE STOCK MARKET

New York, Oct. 7—Hornblower and Weeks:—"If the market holds the recent points of support, a substantial rally should ensue this week, which could readily bring a recovery in the level of prices to those obtaining on Oct. 1."

Houseman & Co.:—"It is difficult to attract a general following on the upside and it appears to be equally difficult to attract a following or to induce liquidation when the leaders slide off."

Pyncheon & Co.:—"Discrimination and caution should be exercised until the market moves out of its present zone."

Block Maloney:—"You may expect more two-sided movements, but on dips you can buy all seasoned stocks for turns. Use strong spots for profit-taking with a view to replacing on further weakness."

Clark Childs:—"Good buying of some of the oils is noted."

Tobey and Kirk:—"In usually well-informed quarters any important rise in oil stocks is not looked for at this time."

Current Events.

New York, Oct. 7—South. Railway orders 50 engines from American Locomotive at cost of $2,500,000.

International Combustible Engine declared quarterly dividend of 50 cents August 1st after charges, $197,000.

Miami Copper declared regular quarterly 50 cents dividend.

American T. and T. August operating income $2,552,810, against $2,436,741 in August 1923.

Group of Southern Railway Pfd. stock holders file action at Richmond alleging they are entitled to dividend heretofore earned but not declared, amounting to $22,900,000 or $88 a share before any dividend distribution on common.

Nash Motors declared regular quarterly $1.75 preferred dividend. Quarter ended Aug. 31, net after depreciation, $3.40 a share on common, against $7.22 in 1923: nine months showed $12.81 a share, against $20.25 a share.

Chicago reports heavy increase in steel buying and expectation that steel prices will be advanced soon.

Maxwell Motors, September shipments, 7,521 cars, against 6,288 in September 1923.

SHAWINIGAN CAPITAL INCREASE.

Quebec, Oct. 7—Official notice is given in the current issue of the Quebec Official Gazette of the increase in capital of the Shawinigan Water and Power Company from $20,000,000 to $25,000,000, in accordance with a resolution adopted by the shareholders of the company at a meeting on the 22nd of September last.

WOOL PLENTIFUL IN AUSTRALIA

Sydney, Australia, Sept. 1—(Associated Press by mail)—With a clip estimated at 3,150,000 bales of wool, a record figure due to an excellent season, the Australian Woolgrowers' Council and the National Council of Woolselling Brokers of Australia have devised means for disposing of the product. With sales held in Brisbane, Sydney, Melbourne, Adelaide and Perth, to be attended by purchasers from all over the world, it is expected that 2,000,000 bales will be offered by Christmas time.

CROP ACREAGE IS SOMEWHAT LESS

Potatoes Single Exception—Report is Made on N. B. Crops.

The Department of Agriculture, Fredericton, reports under yesterday's date:—

Harvesting of grain and late hay has been slow on account of dull and foggy weather occurring during the latter half of the month. Some broad-leaf hay yet remains about Sackville, but 10 days time should see all grain and late hay harvesting operations completed. There is a surplus of hay in the southern counties. Other counties have sufficient for the requirements of farm stock.

Oat threshing has begun. The turnoff is less than last year and the quality, too, is not up to the average. Identical conditions apply to wheat and buckwheat.

Good catches of grass and clover have followed the removal of the grain crop. Pasteurs and meadow aftermath have freshened and the stringency which dealers felt for milk has relaxed.

Potatoes.

The first general frost to effect potato vines occurred on September 26 and digging was general by the 30th. Several West Indies cargoes of the Irish Cobbler variety had sailed by the 28th but the digging of the Green Mountain variety was delayed by the rankness of the vines which have now died. Excellent weather for digging has prevailed. The crop is good and the potatoes are sound, not large, but abundant to the hill.

The root crop is now making rapid growth and with open weather during October the acre yield will be up to the average.

A comparison of the crop acreages of 1924 with 1923 shows a reduced area of all crops with the single exception of potatoes. The estimates were compiled by the Dominion Bureau of Statics from data gathered in school districts in June.

	Acers, 1923	Acres, 1924
Wheat	14,460	11,616
Oats	225,695	208,244
Barley	5,596	5,069
Peas	1,497	1,229
Beans	1,850	1,246
Buckwheat	43,010	38,285
Potatoes	45,522	46,351
Turnips	10,799	9,045
Hay and Clover	535,105	584,722
Corn	3,876	2,449
Rye	....	2,288
Mixed Grain	....	2,851
Other Grain	....	462
	907,610	958,252

SHIPPING

PORT OF ST. JOHN.

Arrived.

Tuesday, Oct. 7.

Stmr. Chignecto, 2942, Collins, from Bermuda and the West Indies.

Stmr. Manchester Shipper, from Manchester.

Stmr. Governor Dingley, 2856, from Boston via Lubec and Eastport.

Coastwise—Stmr. Keith Cann, 177, Peters, from Westport; gas sch. Linwood, 9, Boyle, from Chance Harbor.

Cleared.

Tuesday, Oct. 7.

Coastwise — Stmrs. Empress, 612, MacDonald, for Digby; Keith Cann, 177, Peters, for Westport; Bear River, 70, Woodworth, for Digby; gas schr. Linwood, 9, Boyle, for Chance Harbor.

Sailed.

Monday, Oct. 6.

Schr. Albert H. Willis, for Philadelphia.

MARINE NOTES.

The steamer Manchester Shipper arrived this morning from Manchester with general cargo. She docked at Long wharf, east side.

The Krosfond will sail tonight for Santiga after discharging sugar here.

The R. M. S. P. Chignecto docked this morning at the Pettingill wharf from Bermuda and the West Indies.

The steamer City of Auckland sailed from Calcutta on Oct. 1 for Halifax with a cargo of tea for local merchants.

The schooner Albert H. Willis sailed yesterday for Philadelphia with a cargo ow lumber.

The Aurania arrived at Cobh on Monday from New York.

The Berengaria sailed from Southampton on Saturday for New York.

The Columbia sailed from Glasgow on Saturday for New York.

The Scythia sailed from Liverpool on Saturday for New York.

The Lancastria sailed from Hamburg on Saturday for New York.

The Mauretania arrived on Monday at New York from Southampton.

The Tuscania will arrive at New York tomorrow from Glasgow.

ENGAGEMENT ANNOUNCED.

Mrs. Harold Thompson, 21 Sydney street, announces the engagement of her eldest daughter, Myrtle Victoria McFarlane to George Woodbury McIntyre, son of Mr. and Mrs. W. A. McIntyre of St. Martins, the wedding to take place in the near future.

Do You Want to Buy Or Sell Foreign Bonds?

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Don't fail to consult us before buying or selling.

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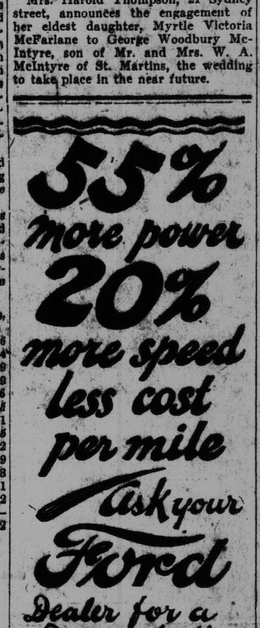

NEW ISSUE

$500,000

Province of Prince Edward Island

4½% Bonds

Dated October 1, 1924 — Due October 1, 1944

Principal and semi-annual interest (April 1 and October 1) payable at the Bank of Montreal, Montreal, Toronto and Charlottetown.
Denominations, $1,000

FINANCIAL STATEMENT

Assessed Valuation for Taxation (estimated)	$35,000,000
Total Funded Debt (including this issue)	1,683,000
Less: Sinking Fund	312,000
Net Debt	$ 1,371 000

Population, 88,615. Area, 2,184 square miles.

THESE BONDS ARE A DIRECT AND PRIMARY OBLIGATION OF THE PROVINCE OF PRINCE EDWARD ISLAND

Although it is the smallest province in the Dominion, Prince Edward Island is the most densely populated one and proportionately the richest.

The soil and climatic conditions are ideal for agriculture. Farming and stock raising are the principal industries. Fishing is also important and extensively developed.

The public debt is remarkably low, the net debt per capita being under $16.—the lowest of any Canadian province.

The credit of Prince Edward Island is such that its bonds, which seldom appear on the market, command the highest rating.

We offer these Bonds for delivery when, as and if issued and received by us and subject to approval of our Counsel of all legalities.

Price 97.50 and interest, Yield about 4.70%

Royal Securities Corporation, Limited

MONTREAL TORONTO HALIFAX ST. JOHN WINNIPEG VANCOUVER

The above statements are not guaranteed, but are based upon information which we believe to be reliable and on which we acted in purchasing these securities.

JURY GIVES VERDICT AGAINST GLEANER ON FOUR ISSUES

(Continued from page 9.)

other letter shown him by Mr. Perkins which contained a statement not in the correspondence that was before the court.

He says Mr. Perkins called him in expressly to see it and that there was a complete change of base from the former letter which Mr. Perkins had shown Mr. Limerick written by Mr. Hanson. Aldermen Cooper, Phillips and Jennings and Mayor Reid say they never saw anything of the kind in the correspondence before the City Council. The judge understood Mr. Limerick to say that Mr. Perkins called him in and said "here are the letters"—he was called in or went in, and it seems he was interested to see how Mr. Hanson was acting. The Chief Justice did not know whether Mr. Limerick's feelings towards Mr. Hanson were friendly or otherwise.

What reason would a man like Police Magistrate Limerick have in coming to court and swearing as to the contents of a paper if he were not telling the truth? Surely the police magistrate could be trusted to come and tell the truth. If not he should not be there five minutes. If Police Magistrate Limerick and the judges of the land could not be trusted to go upon the stand and tell the truth who could be? The evidence of one man who sees a thing is worth the evidence of 100 who do not see it. That is an axiom. It it easy for one man to come into court and say "I saw a thing" and easy for 100 to come in and say I did not. However, the jury was at liberty to consider any theory advanced so long as it was feasible and commended itself to their judgment as being correct. Give credence where credence is due, the Chief Justice said. He did not want to usurp the jury's authority.

Mr. Baxter drew attention to his own statement on the matter when he addressed the jury. The court said that this was not impossible. Mistakes could happen to anyone.

Bert Lint Case.

Passing to the Bert Lint matter. An information was laid in the police court in Fredericton by Dr. McCoy on behalf of the Department at Ottawa having jurisdiction over such matters, for bringing some horses into this country in contravention of the Animal Health Act. "The charge against Mr. Hanson is that he received money from Mr. Lint, to put it broadly, I suppose, 'to buy the prosecuting attorney,'" said the Chief Justice. That was not the language used in the editorial but that is the shape it assumed; that Mr. Hanson accepted money from Bert Lint to stifle a proper prosecution. Did he or did he not? Mr. Lint, unfortunately sick at home, said he did not pay Mr. Hanson any money or ever sent him any. Mr. Lint at the police court pleaded guilty and was fined $50 but he did not have to pay the fine.

Referring back to the Harris matter, a further assertion made against Mr. Hanson was that there was an election pending at that time, at which election Mr. Hanson was a candidate, and that he reported favorably on Mrs. Harris' claim in order to get votes in her family. There is not a particle of evidence to show that any votes were changed by reason of the Harris claim. In fact, Mrs. Harris said two votes were cast for Col. Osborne and did not go to Mr. Hanson at all.

Mr. Jones requested His Honor to instruct the jury with reference to the non-production of the books in reference to the Lint matter.

Dr. Baxter remarked that was nine years ago and Mr. Hanson said he never got any.

The Court stated he would get the official reporter to read any evidence that was thought necessary as it was obviously impossible to detail it all.

Law of Libel.

The judge then went into a discussion of the libel law in part as follows:

No man has a right to destroy the reputation of another. Every man has a right to have his good name maintained unimpaired. Words which produce, in any given case, appreciable injury to the reputation of another are called defamatory; and defamatory words, if false, are actionable. False defamatory words, if written and published, constitute what in law is called a libel. Words which on the face of them must injure the reputation of the person to whom they refer, are clearly defamatory and, if false, are actionable, without proof that any particular damage has followed from their use.

Words, on the other hand, which merely might tend to injure the reputation of another person are prima facie not defamatory, and even though false are not actionable unless, as a matter of fact, some appreciable injury has followed from their use. It is important to keep the distinction clearly in mind: Words which on the face of them must clearly injure the reputation of the person to whom they refer, are actionable, without proof of special damage, whereas in the case of words which merely may tend to injure the reputation of another person, even though they be false, they are not actionable, without proof of special damage.

On Own Merits.

No general rule can be laid down defining absolutely and once for all what words are defamatory and what are not. Have the defendant's words appreciably injured the plaintiff's reputation? Have the words published in the "Gleaner" newspaper, as set out in the statement of claim, appreciably injured Mr. Hanson's reputation? That is the question you are called upon to determine.

Such injury may be either presumed from the nature of the words themselves or proved by evidence of their consequences. It will be presumed from the nature of the words themselves, if the words being written and published, or printed and published, disparage the plaintiff, or tend to bring him into ridicule or contempt. In such a case the words are said to be actionable, per se because on the face of them they clearly must have injured the plaintiff's reputation.

When Plaintiff is Injured.

If in any given case the words employed by the defendant have appreciably injured the plaintiff's reputation, the plaintiff has suffered an injury which is actionable without proof of any other damage. Every man has an absolute right to have his person, his property, and his reputation preserved inviolate, and just as any invasion of a man's property is actionable without proof of any pecuniary loss, so is any actual disparagement of his good name.

As one eminent English Judge has said:

"His reputation is his property, and, if possible, more valuable than other property. Indeed, if we reflect upon the degree of suffering occasioned by loss of character, and compare it with that occasioned by loss of property, it will be found that the amount of the former injury far exceeds that of the latter."

Whenever, therefore, the words are such that they will necessarily injure the reputation of the plaintiff, they are defamatory on the face of them, and actionable per se.

Injury to Reputation is Key.

In many cases of slander it is by no means clear from the words themselves that they must have injured the plaintiff's reputation. For example, where the words are merely idle abuse or expressions of contempt which injure no man's credit; in such cases, therefore, the Court requires proof of some special damage to show that as a matter of fact the words have in this case impaired the plaintiff's good name. The injury to the plaintiff's reputation is the gist of the action, and where this is not obvious he must prove to the satisfaction of the jury that he has in fact sustained some appreciable damage for which compensation can be assessed.

False, defamatory words, if written and published, constitute a libel. In cases of libel, any words will be deemed defamatory which appreciably injure the reputation of another, which make men think worse of him. All written words which expose the plaintiff to hatred, contempt, ridicule or abolgy, which tend to injure him in his profession or trade, or cause him to be shunned or avoided by his neighbors, are libelous. "Everything, printed or written, which reflects on the character of another, and is published without lawful justification or excuse, is a libel, whatever the intention may have been. Libel is a tort which consists in using language which others, knowing the circumstances, would reasonably think to be defamatory of the person complaining of and injured by it." The words need not necessarily impute disgraceful conduct to the plaintiff; it is sufficient if they render him contemptible and ridiculous.

Definition of Libel.

It is said by Mr. Odger in his treatise on Libel and Slander—and we are told that it is impossible to define a libel with any greater precision or lucidity than this, that any printed or written words are defamatory which impute to the plaintiff that he has been guilty of any crime, fraud, dishonesty, immorality, or dishonorable conduct, or has been accused or suspected of any such misconduct; or which suggests that the plaintiff is suffering from any infectious disorder; or which have a tendency to injure him in his office, profession, calling or trade, and so, too, are all words which hold the plaintiff up to contempt, hatred, scorn or ridicule, and which, by thus engendering an evil opinion of him in the minds of right-thinking men, tend to deprive him of friendly intercourse and society.

The plaintiff in this case is a barrister and one of His Majesty's Council; and it is clear that to impute to a member of any profession, that he has been guilty of any discreditable conduct in his profession, is libelous.

Up to the Jury.

In an action for a libel the question always is: How were the words understood by those to whom they were originally published? And the question here is; how were the words in the editorial complained of understood by the Gleaner readers? What meaning did the whole passages convey to the unbiased mind? That, gentlemen, is a question for you and not for me. And accordingly it is provided by statute in criminal proceedings for libel, and in civil proceedings for libel the practice is and always has been the same, that the jury are to decide the question of libel or no libel. It would be wrong for me to lay down as a matter of law that the publication complained of in this action was or was not a libel. I have already defined what a libel is and I leave it to you to say whether the Gleaner editorial complained of or any part of it faces within that definition. And this, it is said, is a question pre-eminently for the jury; whichever way you find the court will rarely, if ever, disturb the verdict if the question has been properly left to the jury, unless the verdict be one which no reasonable man could have properly found.

The Innuendo.

In arriving at the meaning of the defendant's words, the court and jury are often materially assisted by an averment in the plaintiff's statement of claim called an innuendo. This is a statement by the plaintiff of the construction which he puts upon the words himself, and which he will endeavor to induce the jury to adopt at the trial. Where a defamatory meaning is apparent on the face of the words, no innuendo is necessary, though even here the pleader sometimes inserts one to heighten the effect of the words. That is what the plaintiff has done in this case.

To each of what the plaintiff says are five separate and distinct libelous statements contained in the Gelaner editorial, he adds as an averment of the meaning the innuendo, "meaning thereby that the plaintiff has been guilty of dishonorable and unprofessional conduct in his practice as a solicitor and a barrister-at-law."

It is the office of an innuendo to define the defamatory meaning of the words which the plaintiff sets on them, to show how they come to have that defamatory meaning, and also to show how they relate to the plaintiff, whenever that is not clear on the face of them. Here, I think, the meaning of the words is clear enough without the innuendo, and that they are susceptible of the meaning which the plaintiff ascribes to them; but nevertheless, it is my duty to leave it to you to say, and you are to say whether or not they were in fact so understood. It is your business and your duty as jurors to say whether the words were understood in the way the plaintiff says they were. Should you negative the innuendo, and the words are not actionable in their natural and primary sense, your verdict should be for the defendant.

But although you should conclude that the words are not susceptible of the meaning ascribed to them by the plaintiff, still if in your judgment they are libelous, according to the definition of libel which I have given you, your verdict should be for the plaintiff. Where the words are obviously defamatory no parol evidence is admissable at the trial to explain their meaning. The question is of course for the jury, but in this case I think the words complained of are clearly actionable. I say this as a matter of advice solely leaving it to you to find the fact whether the publication is.

Defendant's Side.

Up to this point I have been dealing chiefly with the plaintiff's position and the plaintiff's rights in an action of libel. I now come to the defendants' side of the question. And first and foremost I have to direct you that the truth of any defamatory words is, if pleaded, a complete defence to any action of libel, though alone, it is not a defence in a criminal trial. The onus of proving that the words are true lies on the defendant. The burden of proving that the words complained of in this case are true lies on the Gleaner Company, Limited.

The falsehood of all defamatory words is presumed in the plaintiff's favor, and he need give no evidence to show they are false. If you find the published matter complained of is false then since there is no other defence except the defence of fair comment on a matter of public interest you must find for the plaintiff, although you may be satisfied that the defendant bona fide and reasonably believed the words to be true at the time of their publication.

Five Separate Libels Charged.

The whole libel must be proved true before the defendant is entitled to succeed.

You will observe by reading the statement of claim, a copy of which I am giving you to take with you into your jury room, that there are five separate and distinct libels charged, in no way connected with or relating to each other. It would, I think, be altogether better to leave them to you as five separate questions, as if they were the subject of five separate actions.

Defence Raised.

It is a defence to an action for a defamatory statement published of the plaintiff, that the words were spoken or a privileged occasion, or in reference to a privileged subject. I do not understand that the defendant sets up such a defence here.

There are two defences raised by the statement of defence in this action: one is that the defamatory words complained of are true in substance and in fact; the other is, on the alternative, that so far as the said words consist of allegations of fact, the said words were and are, in their natural and ordinary meaning true in substance and in fact, and in so far as they consist of expressions of opinion they were and are fair comment made in good faith and without malice for the benefit of the public upon the said facts, which are matters of public interest.

Right of Comment.

Every one has a right to comment both by word of mouth and in writing on matters of public interest, and general concern, provided he does so fairly and with an honest purpose. Such comments are not actionable, however severe in their terms, so long as the writer or speaker truly states his real opinion of the matter on which he comments. Every citizen has full freedom of speech on such subjects within proper limits. But he must not abuse it.

Role of Press.

The right to comment upon the public acts of public men is the right of every citizen. The liberty of the press is no greater and no less than the liberty of every subject of the King. But newspaper writers, though in strict law they stand in no better position than any other person, are generally allowed greater latitude by juries. It is regarded as in some measure the duty of the press to watch narrowly the conduct of all Government officials and the working of all public institutions, to comment freely on all matters which concern the nation, and fearlessly to expose abuses should any be found to exist.

It has been often said by learned judges that fair and honest criticism on matters of public concern is privileged. This does not mean that the words have been published on what is technically known as a "privileged occasion." There is, it is true, a close analogy between the two defences of "fair comment" and "privilege"; yet they are not identical. As I have already said to you, the question whether the defamatory matter complained of was "privileged" as having been published on a "privileged occasion" does not arise here, as it is not raised as a defence. In some cases it has been laid down that a fair comment on a matter of public interest is no libel or slander. This, however, does not mean that the words are not defamatory, i. e., injurious to the reputation. If they were not defamatory, of course no action would lie. It is only when the words do tend to injure the reputation of the person to whom they refer that the question arises: Can they be excused as being a fair comment on a matter of public interest?

Fair Comment.

The plaintiff's conduct as city solicitor is fair subject of comment. Criticism cannot follow a man into his private life. Private malice cannot be satisfied.

The plaintiff, the Chief Justice went on to say, was a member of Parliament, and he thought his actions were a matter of public interest. The criticism upon the actions of a public man should be on his actions only and not upon his personal attributes or characteristics. The only defence on a plea of fair comment was to prove the facts upon which the criticism was based to be true. It was necessary that the opinion should be honest and not actuated by malice. If malice were proved by the plaintiff it destroys the defence of fair comment.

Damages.

On the matter of damages, the judge charged the jury at some length. The gist of the matter of damages was the extent, if any, of the injury done to the plaintiff's reputation and the jury, if they found for the plaintiff, should give such damages as would fairly and reasonably compensate him for such injury.

The legal profession was one of the greatest in the world, the judge said. There was a question of Mr. Hanson's standing in the profession involved in the case. "Was he or was he not a reputable member?" If the allegations made by the Gleaner were true he was not and the paper should be commended for bringing them to the light of publication. If they were not true then the Gleaner had done Mr. Hanson a great wrong.

Quietly, with no parade of publicity and without very much public support or knowledge, the work of the Travelers' Aid in St. John goes steadily on and the agents of the aid as they meet the boats and trains are hardly noticed by the independent self-reliant travelers who hurry by them. They are not there for these self-reliant, well equipped people but they are there to fill a very necessary part in caring for the unsheltered, for the distressed and for the unwary. Just what the sum total of the good accomplished by the Travelers' Aid may be, there is no reckoning but the Travelers' Aid records, secret records, not divulged for the most part, have many stories of human interest that would quicken the sympathies of the hardest heart.

It was some little time ago that the Travelers' Aid agent here received word that there was a young girl who was traveling alone and would arrive in the city some time in a certain week. The message came from the girl's uncle who had promised to be in St. John to meet her but found he was unable to do so.

Finds the Girl.

The exact time of the arrival of the girl not being known, a careful search was made of those arriving on every train. The search is made each day as an ordinary part of routine but at this time there was a definite young girl for whom the agents were seeking.

One day as the agent was looking for the girl another traveler stepped up to the agent and said "There is a girl in there who needs your help. There she comes now." The agent looked round and saw a very attractive young girl getting off the train with a man following behind carrying her suit case. As the Travelers' Aid worker stepped up to the girl, asking if she was the one being sought for, the girl replied that she was and asked if her uncle was there.

"No," said the Travelers' Aid worker, "but I am here for your uncle."

"Oh, this gentleman said he would look after me if my uncle was not here to meet me," said the girl referring to the very doubtful man who had possession of her suit case.

The Travelers' Aid worker gave one glance at the man and quietly and determinedly removed the suitcase from his grasp and said to the girl "I think you had better come with me."

Officials.

Miss Hoyt is the Travelers' Aid worker for St. John and her special genius for her work has won for her the warmest praise of Travelers' Aid workers all over the continent. Miss Frost and Miss Kirk are her able assistants in meeting trains and boats and in conducting the Transient Home in Union Street.

In money, the Travelers' Aid does not pay, in fact it constantly goes behind. In human benefits timely bestowed it is earning an increasingly rich reward. At the Transient Home there have been births, deaths and marriages and it has been a shelter of incalculable worth to many hundreds of weary souls. To maintain the work of the Travelers' Aid the public will be specially appealed to in a tag day on Oct. 11, and the response to that appeal should be most generous.

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