

force; that is to say, for a considerable period before and after his resignation of office, and his appointment to his present position on the bench, as mentioned and referred to in paragraphs 1, 2 and 9 hereof.

13. The words set out in paragraph 12 are a false, unfair, garbled and incomplete report of the proceedings at the trial of the action at law of McKenna *vs.* McNamce, mentioned in the said paragraph.

14. By reason of the premises the personal, as well as judicial character and reputation of the plaintiff have been exposed to contempt and odium and greatly injured.

15. And in the alternative the plaintiff says that his character and reputation have by reason of the premises been exposed to contempt and odium and greatly injured. 10

The plaintiff claims \$10,000 damages.

The plaintiff proposes that this action shall be tried in the City of Victoria.

Delivered the 1st day of February, 1886.

J. ROLAND HETT,

Langley Street, Victoria,

Plaintiff's Solicitor.

To MR. THEODORE DAVIE,

Langley Street, Victoria,

Solicitor for the Defendant.

RE-AMENDED STATEMENT OF DEFENCE.

Amended
under order
of Court dated
the 27th
March, 1886.
Re-amended
under order
of Court 19th
April, 1886.

1. The defendant admits the allegations contained in paragraphs 1, 2 and 11 of the 20
Statement of Claim.

2. The defendant has no knowledge as to the truth or falsity of the several allegations
contained in paragraphs 3 to 10 inclusive of the said Statement of Claim, and does not admit
them.

3. The defendant admits that he printed and published the words set out in paragraph 12 of the Statement of Claim; but he denies that he printed such words maliciously, or with the sense or meaning alleged, or with any other defamatory or actionable sense or meaning, and the Defendant denies that such words convey any defamatory meaning.

3a. The Defendant says that on the 7th day of November, 1885 a certain action styled McKenna *vs.* McNamce was being tried at the Assizes for the County of Carleton in the Province of Ontario, holden at the City of Ottawa, in the said Province, and that 30
Francis B. McNamce, the defendant in the said action, on the said 7th day of November gave evidence as a witness before the said Court.

4. The Defendant further says that that portion of the alleged libel which purports to be a report of a portion of the evidence of the said Francis B. McNamce in the said case of McKenna *vs.* McNamce, was prior to the publication alleged in said paragraph 12, printed