

The Ontario Weekly Notes

VOL. XV. TORONTO, DECEMBER 20, 1918. No. 15

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

NOVEMBER 5TH, 1918.

LEONARD v. WHARTON.

*Libel—Writing Capable of being Libellous—Question for Jury—
Innuendo—Rejection of Evidence at Trial—New Trial.*

This was an action for libel, brought by George F. Leonard, George A. Parmiter, Leonard & Parmiter, and Leonard-Parmiter Limited, plaintiffs, against Reginald A. Wharton, the Canada Bonded Attorney and Legal Directory Limited, and Canada Trade List and Addressing Company, defendants.

The action was commenced in September, 1916; before it came down for trial, judgment had been given by the Appellate Division in *Canada Bonded Attorney and Legal Directory Limited v. Leonard-Parmiter Limited and Canada Bonded Attorney and Legal Directory Limited v. G. F. Leonard* (1918), 42 O.L.R. 141. Those actions were practically between the same parties as the libel action, and the matters in dispute in all the actions were intimately related to each other.

The first writing complained of as libellous was a circular letter dated the 15th September, 1916, addressed to business firms by the defendants or some of them, upon the letter-head of the defendant the Canada Bonded Attorney and Legal Directory Limited, as follows:—

“Certain circulars signed by G. F. Leonard and G. A. Parmiter, which are being sent to our subscribers, on a letter-head intituled ‘Canadian Guide to Bonded Lawyers,’ have come to our attention.

“As G. F. Leonard claims to have been in our employ up to June 30, 1916, and G. A. Parmiter resigned on July 7, 1916, the origin of their ‘list’ is obvious.