

MASTER IN CHAMBERS.

SEPTEMBER 14TH, 1912.

BROWN v. ORDE.

*Slander — Pleading — Statement of Defence—Justification —
Fair Comment—Particulars.*

After the decisions in this case, noted in 3 O.W.N. 1230 and 1312, the plaintiff moved to strike out paragraphs 6 and 7 of the statement of defence and the particulars furnished thereunder, as being embarrassing.

John King, K.C., for the plaintiff.

H. M. Mowat, K.C., for the defendant.

THE MASTER:—The statement of defence admits publication as alleged in the statement of claim, but denies the innuendo; says that the words complained of are not actionable without proof of special damage, and pleads qualified privilege, on the ground that when the defendant spoke the words in question it was at a meeting of ratepayers in the city of Ottawa who had a common interest with him in the matters under discussion, and that the defendant was protecting his private interest in the question of the efficiency of the administration of the affairs of the city.

Then follow paragraphs 6 and 7:—

“6. During the year which preceded the holding of the said meeting, there had been great dissatisfaction on the part of the ratepayers of the city of Ottawa with the management of the affairs of the city by the board of control and city council, and the subject of the management and control of the affairs of the city and its ratepayers had become a matter of unusual public interest and concern; and the defendant says that any words used by him on the occasion in question in this action were fair comments made in good faith and without malice in respect to the management and control of the affairs of the said city and its ratepayers as a matter of general public interest and concern.

“7. In so far as the words used by the defendant on the occasion in question consist of allegations of fact, they are true in substance and in fact; in so far as they consist of expressions of opinion, they are fair comments made in good faith and without malice upon facts which are matters of public interest and concern.”