

THE
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING OCTOBER 17TH, 1903.)

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MACMAHON, J.

OCTOBER 12TH, 1903.

CHAMBERS.

CALDWELL v. BUCHANAN.

*Libel — Pleading — Defence — Privilege — Scandalous and
Irrelevant Statements.*

Appeal by defendant from order of local Judge at Perth striking out certain parts of the 4th paragraph of the statement of defence in an action for libel as being scandalous and embarrassing. The plaintiff was a miller and manufacturer residing at the village of Lanark, and was for many years a member of the congregation of St. Andrew's Presbyterian Church in that village, of which the defendant was minister in charge. In the year 1900 the presbytery of Lanark and Renfrew authorized certain members of that congregation, among whom was the plaintiff, to hold services in the town hall in the village of Lanark, and such members were in August, 1901, organized as a mission congregation. The alleged libels were as follows: "But here they are in the hall, the followers of W. C. Caldwell, who has backed up drunkenness all his life, and whose theory is that it is no harm for a man to get on the spree occasionally. Their congregation in the hall is the most drunken rabble ever congregated together, I believe, for such a purpose." "I only know of five men that are members that are with Caldwell that don't get drunk, and most of these are men of weak mind that can be twisted any way." "Even Mr. Caldwell has admitted my influence and told a party that I had too much influence in the community. Yes, I have, I suppose, too much to suit him, but he should have reckoned that influence before he turned his attacks on me." "Is it a sufficient reason for a minister to abandon his post of duty when a man whom we know as a scoffer of God's word, together with a few drunken characters, rises up first against the leading men