

To this, plaintiff replied that the said explanation was an aggravation of the slander.

The Superior Court (Weir, J.) dismissed the action for the following reasons:

"Considering that the question of Alderman Payette to Defendant, as regards the offer of \$3,000.00 to Defendant was clearly a reference to the question of privilege raised by the Defendant in the Council, in the year 1901, inasmuch as it does not appear that any other offer of such a sum was ever alleged by any one, to have been made to Defendant at any other time, and that Defendant's answer to said question, in all probability, referred thereto;

"Considering that an alderman, in the discharge of his duties, is entitled to the presumption that his utterances are made in good faith when discussing matters of public interest in the City Council;

"Considering that this presumption of good faith of the Defendant has not been rebutted in this case by any evidence of express malice on his part;

"Considering that the evidence produced by Plaintiff to show that the accusations of Defendant against Messrs. Workman and Porcheron, in connection with his charges and the question of privilege raised by him in 1901, is irrelevant and does not establish express malice on his part in making the statement complained of in Council, on January 14th 1907;

"Considering that Plaintiff has failed to substantiate his declaration, and that Defendant has established the allegations of his plea:

"Doth dismiss Plaintiff action with costs."

In rendering his judgment, M. Justice Weir made the following remarks on the question of law: