

COURT OF APPEAL.

NOVEMBER 19TH, 1912.

RUDD v. CAMERON.

4 O. W. N. 321.

Defamation—Slander—Brought about by Action of Plaintiff—Privilege—Malice—Quantum of Damages.

Plaintiff, a contractor, having heard that slanderous statements were abroad concerning him, employed two detectives to trace their origin. They approached defendant, a physician, and told him they were desirous of building a club-house in the vicinity and that plaintiff wished to secure the contract for building it. Defendant thereupon uttered slanderous statements concerning plaintiff.

BRITTON, J., at trial, entered judgment for plaintiff for \$1,000, upon the finding of the jury in favour of plaintiff, the false statements having been spoken in reference to plaintiff's business or calling. Defendant appealed on the ground, chiefly, that the speaking of the words complained of having been brought about by the action of plaintiff himself, there was no publication in law.

DIVISIONAL COURT, 21 O. W. R. 860; 3 O. W. N. 1003; dismissed appeal with costs, following *Duke of Brunswick v. Harmer*, 14 Q. B. 185.

Review of authorities.

COURT OF APPEAL, *held*, that as plaintiff had not actually sent the detectives to defendant, but merely instructed them to trace the origin of the scandalous rumours afloat, the cases relied on by defendant were distinguishable, and the judgment for plaintiff should not be interfered with.

Further review of authorities.

Appeal dismissed with costs.

The plaintiff a merchant and building contractor was awarded by a jury \$1,000 for damages sustained by him on account of the defendant having slandered him in his business and calling. On appeal to the Divisional Court the judgment was upheld. See 21 O. W. R. 860; 3 O. W. N. 1003.

The appeal to Court of Appeal was heard by HON. MR. JUSTICE GARROW, HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE MEREDITH, HON. MR. JUSTICE MAGEE and HON. MR. JUSTICE LENNOX.

W. M. Douglas, K.C., for the defendant.

E. F. B. Johnston, K.C., for the plaintiff.

HON. MR. JUSTICE MACLAREN:—The ground of appeal most strongly urged before us was that the defendant was entrapped by the plaintiff into using the language he did and, induced to utter the alleged slanderous words by de-