

In 1840 Lawrence O'Connor Doyle was one of the counsel in a suit that was brought by Edmund Ward, a sort of waspish representative of the weekly press, against English and Blackadar, the proprietors of the *Acadian Recorder*. The case was of some interest: its merits were as follows:

Sometime in 1838, a person of the name of Duncan, arrived in Halifax. Shortly afterwards an article appeared in the Fredericton *Sentinel* of which Ward was the editor, describing the said Duncan as a swindler, and cautioning the public to be on their guard against him. Duncan saw the article and at once wrote an answer to it, which was inserted in the *Acadian Recorder*. The answer denied the charge made in the *Sentinel* and in strong terms declared Ward to be a swindler, cheat and prone to quarreling. On this the action was brought—damages laid at £1000.

The solicitor general of Nova Scotia—J. W. Johnston—who appeared for Ward, opened the case briefly to the jury. The alleged libel was read. Mr. Doyle, for the defendants, argued that the chief term in the libel, swindler, was not of itself actionable, unless used in connection with the trade or profession of the party to whom it was applied. The chief justice—Brenton Halliburton—overruled the objection. There was a difference, his lordship explained, between words spoken hastily, and words deliberately written. Not only was the charge of swindling libellous, but any moral charge, anything turning a party into contempt and ridicule, could be so construed.

James B. Uniacke also appeared for the defendants. He argued that the liberty of the press was of much consequence, and tended to prevent the growth of many evils. It was a peculiar feature of the case under consideration that the press sought to control the press. The plaintiff should not complain if words which he had used against another were thrown back on himself.