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## GAUTHIER v. JEANNOTTE.

\*May 16, 17. *Libel—Slander—Privileged statements—Public interest—Charging corruption against political candidate—Justification—Challenging suit—Costs.*  
 \*June 14.

APPEAL from the judgment of the Court of Queen's Bench for Lower Canada (1), which reversed, but without costs, the judgment of the Superior Court, District of Montreal, maintaining the plaintiff's action for libel and slander and condemning the defendant to pay one hundred dollars damages with costs as of an action of that class.

The circumstances under which the action was brought were as follows :

The plaintiff and defendant were rival candidates at an election of a member to represent the County of L'Assomption in the House of Commons of Canada, and during a public meeting of the electors at which both candidates were present the defendant stated to the meeting that he had bribed the plaintiff when he was presenting himself as a candidate, on the occasion of a former election for the Provincial Legislature, to retire from the field for a sum of money he had paid to him. The defendant afterwards caused this state-

PRESENT :—Sir Henry Strong, C.J., and Taschereau, Sedgewick, King and Girouard JJ.

ment to be printed in a newspaper, and on a separate "dodger" or fly-sheet, which was circulated in large numbers through the constituency, with a printed challenge to the defendant and others implicated to justify their innocence of the charges made by taking an action for damages in case they were not guilty, and offering at the same time to make a deposit to cover the costs of suit. At the trial before Curran J. the plaintiff recovered a verdict which the Court of Queen's Bench set aside.

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THE CHIEF JUSTICE was of opinion that the appeal should be allowed and the judgment of Curran J. restored.

TASCHEREAU J.—Cet appel doit être renvoyé. Nous n'avons rien à ajouter aux remarques du savant juge en chef de la cour d'appel telles que publiées dans le dernier numéro des rapports judiciaires (1). L'analyse des faits de la cause y est complète et le raisonnement inattaquable. Qu'il nous suffise de dire ici que Jeannotte ne devra pas, parce qu'il obtient le renvoi de l'action, croire qu'il échappe avec honneur de cette lutte devant les tribunaux. Dans un des paragraphes de son plaidoyer il réclame le droit de dire publiquement de Gauthier qu'un candidat qui reçoit une somme d'argent pour se retirer d'une lutte électorale se vend et fait un acte déshonorant. Avec la cour d'appel, nous lui concédons ce droit, mais qu'il n'oublie pas que tout aussi déshonorant est l'acte de celui qui achète ce candidat et de ses complices.

L'appel est renvoyé, mais sans frais. Les deux parties vont peut être maintenant comprendre qu'elles auraient dû pour plusieurs raisons éviter ce procès.

SEDGEWICK, KING and GIROUARD JJ. concurred in the opinion that the appeal should be dismissed without costs.

*Appeal dismissed without costs.*

*Béique Q.C.* for the appellant.

*Bisaillon Q.C.* for the respondent.

(1) Q. R. 6 Q. B. 520.