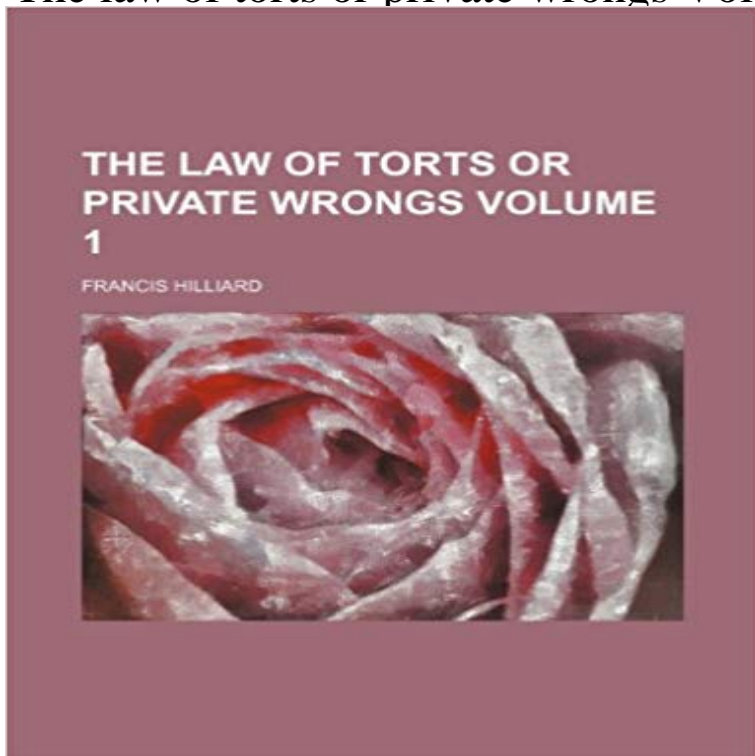


The law of torts or private wrongs Volume 1



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1864 edition. Excerpt: ...of the defendants acknowledgment that he had handed it to the editor for insertion, is proper evidence of publication.² (a) Or, that the defendant accounted for the stamp-duties of the paper.³ So, in an action for publishing a libel, evidence sufficient to go to a jury is furnished, by proof that a libel was actually published; that it was a printed paper, since destroyed; that it corresponded with a printed paper produced; and that the defendant printed a paper corresponding with that produced, and sent three hundred to a shop from whence a person actually publishing the libel procured it; and that the libel was on that occasion taken from a parcel apparently containing three hundred.⁴ So, where a witness swore that he was a printer, and had been in the office of the defendant, where a paper called the Ontario Messenger was printed, and saw it printed there, and the paper produced by the plaintiff was, he believed, printed with the types used in the defendants office; this was held to be primd facie evidence of the publication by the defendant.⁵ 5. A sealed letter, addressed and delivered to a wife, and containing a libel on her husband, is in law a published libel.⁶ So a letter containing a libel was proved to be in the handwriting of the defendant, to have been addressed to a party in Scotland, to have been received at the post-office at C. 1 Maync v. Fletcher, 9 B. & C. 382. 6 Southwick v. Stevens, 10 Johns. 443. 2 Woodburn v. Miller, Cheves, 194. 8 Schenck v. Schcnck, 1 Spenc. 208; 8 Cook p. Ward, 6 Bing. 409. Wenman v. Ash, 13 Com. B. 836. 4 Johnson v. Hudson, 7 Ad. & Ell. 233. (a) In a criminal prosecution, it appeared that the libel was published in a newspaper printed in another State, but

which usually circulated in a county...

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