

## NO. 1 JURY COURT.

(Before Mr. Justice Sly and a jury of four.)

### ACTION AGAINST MOTOR-DRIVER.

Kelly v Nolan.

Mr. J. J. Cohen, instructed by Messrs. B. Keith Cohen and Walker, appeared for the plaintiff; and Mr. Curtis, instructed by Mr. J. J. Carroll, for the defendant. This was an action brought by John Kelly, a labourer, aged 79, against James Patrick Nolan, to recover compensation for personal injuries sustained by plaintiff owing, as he alleged, to the negligent driving by the defendant of a motor car. The case on both sides has already been stated.

The jury returned a verdict for defendant.

### SUPPLYING PATRIOTIC BUTTONS.

#### ACTION FOR SLANDER.

Ruskin v Patrick.

Mr. J. J. Cohen, instructed by Messrs. B. Keith Cohen and Walker, appeared for the plaintiff; and Mr. Mack, instructed by Mr. George Bourne, for the defendant. This was an action brought by Edward Platt Ruskin against A. E. Patrick to recover compensation for the alleged slander. Mr. Cohen, in opening the case to the jury, said that plaintiff and defendant were both makers of the badges and buttons which were worn by the public from time to time for patriotic and other purposes, and they were largely used on Belgium Day, Australia Day, and events of that kind, which were inaugurated with a view to raising money in connection with Red Cross and relief funds. For these badges and buttons plaintiff furnished the designs, and defendant the button discs, which were usually of tin, and for a considerable period plaintiff kept the defendant supplied with designs, and paid him in advance for the buttons. About November last, however, defendant informed plaintiff that he had entered into a contract with a Melbourne firm known as the "Commonwealth Button Company," for the supply of buttons to them, and that it was one of the conditions of the contract that he was to supply them exclusively. For that reason he said he could not furnish plaintiff any longer with goods of the kind, and the latter, therefore, had to seek for business with other persons, and secure orders for buttons. At that time a patriotic institution known as the "Nurses' Comfort Fund" was in existence, and they resolved to have what was termed a "Button Day." For the purpose of obtaining

and they resolved to have what was termed a "Button Day." For the purpose of obtaining orders, plaintiff, on March 10 last, proceeded to the office of the Nurses' Comfort Fund in Pitt-street, and when he reached there he found defendant in conversation with the honorary general secretary. Other persons were present, and apparently defendant had already been speaking about plaintiff, and when the latter went into the office, defendant used the following words:—"There he is: the biggest rogue and blackguard in the country. He took my bread away; your order ought to have been with me. I will make these badges for half the price. I will make them at £1. He will never execute the order; he only goes about and takes orders." Plaintiff contended that the slander complained of meant that he was a person of worthless character, and guilty of fraudulent conduct, and that he wrongfully deprived defendant of the means of earning a livelihood; also that he was dishonestly offering to sell badges for a great deal more than their proper value, and that although he took orders, he knew he would never be able to fulfil them, whereby plaintiff was injured in his credit, reputation, and circumstances. It was further stated that after defendant had used the words complained of, plaintiff said he would not have a disturbance there, but would place the matter in the hands of his solicitor. Damages were laid at £1000.

Defendant pleaded not guilty.

No evidence was called for the defendant, and Mr. Mack addressed the jury, contending that the alleged slander had not been made out, and that, even if it had, no damage had been proved.

The jury returned a verdict for plaintiff, with damages one farthing.