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No. 15 of 1960.

**In the Privy Council.**

**ON APPEAL**

*FROM THE COURT OF APPEAL OF NEW ZEALAND*

BETWEEN

"TRUTH" (N.Z.) LIMITED - - - - - *Appellant*

AND

PHILIP NORTH HOLLOWAY - - - - - *Respondent*

**Case for the Appellant**

RECORD

10 1. This is an appeal from a judgment of the Court of Appeal of New Zealand dated the 16th day of November, 1959, dismissing an appeal from a judgment of Hutchison A.C.J. in the Supreme Court, dated the 23rd day of July, 1959.

p.153  
p.135

2. In the action out of which the appeal arises the respondent, the Minister of Industries and Commerce in the New Zealand Government, claimed £15,000 damages for an alleged libel in an article published in the appellant's weekly newspaper. The action was tried before Hutchison A.C.J. and a common jury of twelve and the jury returned a verdict for £11,000 in favour of the respondent.

p.3, 1.7

3. The defences in the action were in substance, first, that the words sued on did not bear the meaning alleged by the respondent, and, secondly, that the article was published on an occasion of qualified privilege.

20 4. As to the defence of qualified privilege, it was not contended by the respondent that the article was published otherwise than in good faith, and during the course of the trial it was agreed that the question of privilege could be more conveniently determined by the Acting Chief Justice, if necessary, after the jury's verdict had been taken; and the Acting Chief Justice accordingly reserved leave to the appellant to move for judgment on that ground.

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- p. 110 5. After the trial the appellant did move *inter alia* for judgment on that ground, but the appellant's submissions were rejected by the Acting Chief Justice and the Court of Appeal. Before their Lordships' Board the appellant does not seek to challenge the correctness of the judgments of the Courts in New Zealand in so far as they relate to privilege. Many of the points canvassed in the judgments below and in evidence and cross-examination at the trial related to the question of privilege and will accordingly not be relevant on this Appeal.
- pp. 110-111 6. The appellant also moved, however, for an order granting a new trial on the ground that the learned Acting Chief Justice had misdirected the jury on material points of law and on the further or alternative ground that he wrongly rejected evidence which the appellant had sought to tender. The Acting Chief Justice held against the appellant as to both these grounds. The appellant did not appeal from his judgment in so far as it related to the admissibility of evidence, but did appeal from it in so far as it related to the question of misdirection. The Court of Appeal dismissed the appeal. 10
7. The contention that a new trial should be granted on the ground of misdirection was the main contention of the appellant in the New Zealand Courts, although the argument concerning privilege was in fact presented first because the Acting Chief Justice ruled that the appellant was bound to present its arguments in that order. It is on the question of misdirection that the appellant appeals to Her Majesty in Council. The appellant therefore does not contend that it is entitled to judgment but does contend that there should be a new trial. 20
- p. 111 8. The particulars of misdirections furnished by the appellant cover a considerable number of aspects of the Acting Chief Justice's summing-up to the jury, some of these being inter-related. The Court of Appeal in its judgment, delivered by North J., approached the question of misdirection on the basis that a summing-up is not to be rigorously criticised. The appellant does not question that this is a right principle, within proper limits, and having regard to this principle and to the reasoning of the Courts in New Zealand, the appellant concedes before their Lordships' Board that none of the matters specified in the particulars of misdirections are sufficient to entitle the appellant to a new trial except those set out under heads (d), (e) and (f). 30
- p. 148  
ll. 5 to 14
- p. 111, ll. 14 to 25
- p. 111, ll. 14 to 25 9. But, with regard to the passages of the summing-up referred to under heads (d), (e) and (f) of the particulars of misdirections, it is contended that the position is different. These passages dealt with the fundamental question in the case, namely whether the words sued on bore, in their context, the innuendo alleged by the respondent. This question had unusual features and, in the appellant's submission, called especially for a careful and accurate direction, because of the nature of the article and the nature of the respondent's claim. It is contended that in these passages the Acting Chief Justice made it very much easier than it should have been for the respondent to discharge the onus of proving the innuendo assigned and that he took away from the jury's consideration another interpretation of the words sued on, which, in their context, they were capable of bearing and which was indeed a more reasonable interpretation than the one alleged by the respondent. 40

10. In order to show how these questions arise it is necessary to refer first to the subject-matter and nature of the relevant article and to the basis of the respondent's claim.

11. The words sued on were a short passage, containing references to the respondent, appearing in the course of a much longer article published in the edition of the newspaper dated the 24th March, 1959. The theme of the article is indicated by its opening paragraph:

p.2, ll.3 to 18  
p.2, l.37 to p.3, l.2  
pp.161 to 165

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'The Government should take immediate steps to hold a full, searching and impartial inquiry into import and other dealings between an Auckland importer of Czechoslovakian glass, one Harry Judd, of 160 Upland Road, Remuera, and Mr Warren Freer, M.P., who is now, according to the latest reports, en route from Moscow to Peking where he intends to take part in the approaching May Day celebrations in the Communist Chinese capital.'

p. 162, ll.8 to 15

12. The article was one of a series dealing chiefly with the affairs of Mr Freer M.P. and such matters as his connection with Mr Yudt (or Judd) and financial assistance given by the latter to Mr Freer.

p.155 to 165

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13. At the beginning of the year 1958 the New Zealand Government introduced a policy of restricting importation, described as 'full scale import licensing'. Import licences were issued by the Customs Department, but it was the responsibility of the respondent's Department of Industries and Commerce to make recommendations in connection with the issue of licences.

p.72, ll.36 to 37

p.23, ll. 8 to 12 .

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14. Until some date after the 30th July, 1958, the basis on which licences were available for importing sheet glass was that merchants were entitled to a percentage of their 1956 imports. Mr Judd did not qualify for a licence on this basis, as he was not an importer of sheet glass in 1956. It emerged from evidence at the trial, however, that on some date after the 30th July, 1958, the basis was changed, so as to enable a discretionary allocation of licences to selected persons, and that Mr Judd was granted such a licence. The circumstances surrounding this development are not altogether clear from the evidence; for instance, the respondent said in his evidence in chief that he recommended to his Department that a licence for £15,000 be granted to Mr Judd, but in cross-examination he said that it was his Department's recommendation and he did not know about it till later.

p.55, l.36 to p.61, l.23

p.55, ll. 41 to 42

p.28, ll.6 to 7

p.60, l. 14 to

p.61, l.23

15. In the article of the 24th March, 1959, the newspaper urged the Government to set up an inquiry into, among other things, certain suggestions that the same rules had not been applied to Mr Judd as had been applied to other importers and that commission on a licence might be due to Mr Freer.

pp.161 to 165

p.163, ll.12 to 16

p.162, ll.19 to 24

p.164, ll. 3 to 27

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16. The passage in the article on which the respondent sued is immediately preceded by the heading 'Perturbed' and these words:

'There is no doubt that Truth's references to the perturbation of some of Mr Freer's creditors when the member for Mt. Albert suddenly departed overseas with his wife and a party of friends on December 12 last, profoundly affected Mr Judd.'

p.164, ll.28 to 32

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- p.2, ll. 3 to 18      17. The actual passage sued on is set out in paragraph 3 of the respondent's statement of claim and is as follows:
- p.164, ll.33 to 44      'He told a man who approached him some time subsequently about import procedure that he was "sick of things here" and that "25,000 smackers had just gone like that." He gave the impression that there was nothing doing (in the import field) for him any longer. He told the caller that he had come too late, that there was "no use talking" and that the Prime Minister, Mr Nash, had put his foot down. At a subsequent discussion with the same man, the disconsolate Judd told his caller to "see Phil and Phil would fix it". He warned him, whatever he did, not to let Mr Nash hear about it. By "Phil" his caller understood him to mean the Hon. Philip North Holloway, the Minister of Industries and Commerce. 10
- p.2, ll. 19 to 36      18. The respondent also set out in his statement of claim (paragraph 4) two other passages in the article, which were not themselves sued on but were relied on as part of the context influencing the meaning of the passage sued on.
- The first of these contextual passages appears earlier in the article, before the heading 'Perturbed' previously referred to, and is as follows:
- p.164, ll.18 to 27      'If, in fact, Mr Freer has been paid or is to be paid any commission whatever on an import licence for anyone, the Government has an absolute duty to inquire into the matter with the utmost strictness. It was operations such as this which touched off the famous Lynskey inquiry in Britain in the late forties when an adept operator named Sidney Stanley was shown to have had certain dealings with a British junior minister, Mr John Belcher. The British Government overhauled all the dealings between Mr Stanley and Mr Belcher in minute detail. Mr Belcher resigned and left public life. Mr Stanley had taken the precaution of removing himself from Britain and has never returned.' 20
- The second of these contextual passages is the last paragraph of the article:
- p.165, ll.45 to 48      'In Truth's view the New Zealand Labour Government should show itself no less meticulous in preventing any suspicion of under-the-counter dealings with Parliamentarians than did the British Labour Government when it dealt with Sidney Stanley.' 30
- p.2, l.37 to p.3, l.2      19. The respondent alleged (paragraph 5 of his statement of claim) that by the words sued on
- 'the Defendant meant and was understood to mean that the Plaintiff is and was a person who has acted and is prepared to act dishonourably in connection with the issue of import licences.'
- p.102, ll.9 to 14  
p.145, ll.7 to 23      The respondent at no stage suggested that the words sued on were defamatory of him in their primary meaning, but founded his case on the claim that by reason of the context in which they appeared they bore the innuendo so pleaded. 40

20. As the respondent was setting up the foregoing innuendo, the appellant requested him to give particulars of the facts and matters on which he relied in support of that innuendo, in accordance with a Rule of Court in New Zealand corresponding with Ord. 19, r. 6 (2) of the Rules of the Supreme Court in England. The following particulars were furnished in answer to this request: p.3, ll. 14 to 30

'STATEMENT OF PARTICULARS

p.3, l.32 to p.4, l.3

10 The Plaintiff, in answer to the notice for particulars herein, relies on the fact that the words 'see Phil and Phil would fix it', in the context in which the said words were used, were capable of being understood and were understood in a sense defamatory of the plaintiff, more particularly in that the word "fix" was used in the said context in a secondary or colloquial meaning connoting irregular and dishonourable conduct on the part of the plaintiff in connection with the issue of import licences.'

21. Thus it appeared that, of the words sued on, it was the words 'see Phil and Phil would fix it', in their context, on which the respondent particularly relied to establish the innuendo set up in his statement of claim.

22. The appellant in its statement of defence denied, inter alia, that the words sued on bore the meaning alleged by the respondent, and this was accordingly the first question to be determined at the trial. p.4, ll. 19 to 20, ll. 25 to 27

20 23. As to the words "fix it" (in the sentence 'At a subsequent discussion with the same man, the disconsolate Judd told his caller to "see Phil and Phil would fix it"') the appellant pointed out at the trial that they were plainly put forward in the article as a repetition of what Mr Judd had said; and contended that it was reasonably clear from the report that Mr Judd, having been approached about import procedure and a proposition for developing trade with Czechoslovakia, was recommending the respondent to his caller and was far from using the word "fix" in any discreditable sense, but was using it in the natural sense of "arrange". It follows, in the appellant's contention, that if a jury came to consider the question of the meaning that the words sued on in the article would convey to a reasonable fair-minded man, it was essential that they should take into account the fact that "see Phil and Phil would fix it" was not a direct statement by the newspaper but was stated to be a report of what Mr Judd had said. 30

40 24. As is indicated by the Acting Chief Justice in his judgment, however, no substantial submission was made for the appellant at the trial that the words sued on were not, in their context, capable of some meaning defamatory of the respondent; but it was and is contended that they do not bear the meaning which the respondent alleged and which he had to establish to make out his case. The appellant's contention was that the expression "Phil would fix it" was in itself unimportant, and that the respondent's case directed too much attention to those words and not enough to the succeeding words, 'He warned him, whatever he did, not to let Mr Nash hear about it.' When the fact that Mr Judd had advised that the p.125, ll.38 to 40

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Prime Minister should not hear of the matter was reported in the context of an article whose whole theme was a call for an inquiry, it was and is submitted that an interpretation other than the one set up by the respondent was open: namely, that the newspaper was suggesting that, in view of Mr Judd's remarks, the inquiry should include the question whether or not the respondent had acted or was prepared to act dishonourably in connection with the issue of import licences. That meaning might be defamatory of the respondent to some extent, but it goes by no means as far as the innuendo claimed, that the respondent in fact had been and was prepared to be guilty of dishonourable conduct. If the respondent had chosen to rely on the different and lesser meaning, he would have been met with the defence that it was true that the inquiry ought so to extend to his conduct and possibly also the defence of fair comment. 10

25. The theme of the article and its repeated references to the need for an inquiry were thus important matters to be considered in connection with this contention of the appellant that the words sued on did not bear the interpretation claimed. Several of those references have already been mentioned in the preceding paragraphs hereof, but there are many others. For example, there is the following section headed 'Inquiry' a little after the account of Mr Judd's statements:

p.165, ll.17  
to 31

'INQUIRY

Before he does this and departs for England or any other place, Truth considers that he should be brought before a properly constituted inquiry and asked to explain the source of the £1,800 odd Mr Freer used to settle with his most pressing creditors before his departure, how much Czechoslovakian glass he (Judd) has brought into this country in the last three years and what arrangements he made with the responsible Government departments which made it possible for him to import on these lines. 20

The responsible ministers, including Mr Holloway, and the responsible Government servants dealing with these matters should also be asked for their explanations.

If, as Judd is reported to have said, Mr Nash has "put his foot down" on Judd's operations, it should not be allowed to rest at that. 30

The Government must be prepared to show that there has been no chaffering in import licences and no undue preference given to anyone.'

pp. 99 to 108  
p.100, l.34 to p.101, l.10

26. In his summing-up, the Acting Chief Justice, after some introductory observations, defined the wrong of defamation for the jury and proceeded to explain the issues in the case. Dealing with the words 'Phil would fix it', he said that they were not suggested to be defamatory and were not defamatory in their primary meaning and he pointed out that:

p.101, ll. 34 to 37  
p.102, ll. 31 to 32

p.102, ll.35 to 39

'If, on the other hand, they should mean what the plaintiff alleges they mean, the defendant says that it does not contend in this court that they are true and correct. The defendant says that they do not bear the meaning that is suggested but, if you hold that they do, then the defendant does not contend that they are true in that sense'.

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27. The Acting Chief Justice then made certain observations about privilege and went on to say that the fact that the paper was calling for a general inquiry did not in itself justify a defamatory statement in the article unless there was privilege. He added: p.103  
p.104, ll.1 to 4

'Whether there should or should not be a general inquiry is not a matter for us here. It is a matter for the Government, whose decision one way or the other might be criticised in the House or might be criticised in the newspapers if they thought it proper to criticise it, but it is not a matter for us here in a court of law to express any view on at all.' p.104, ll.4 to 8

10 28. Then the learned Acting Chief Justice went further and, in the appellant's contention, misdirected the jury in the following direction, which is referred to in paragraph (d) of the particulars of misdirections: p.111, ll.14 to 17

20 'For your purposes, on the question as to whether the passage was defamatory, in my direction to you, the fact that the paper was calling for a general inquiry is not an answer on the question of whether the passage was defamatory. The fact that it was so calling may be a circumstance to be considered on the question of damages if you come to the question of damages, but I will mention that later, but my direction to you is that, on the question of whether the passage that is complained of bears the meaning that the plaintiff alleges that it bears, the fact that the newspaper might have been calling for a general inquiry, has no bearing at all.' p.104, ll.8 to 16

29. In his judgment the Acting Chief Justice stated that he adhered to the view that this was a correct direction on the question of whether the passage sued on bore the meaning which the respondent alleged that it bore. His ground for this view was that he held the passage sued on was not capable, in its context, of the interpretation suggested by the appellant. His reasoning on this question is stated as follows: p.121, ll. 30 to 42

30 'In my view it was not a possible suggestion, for the paragraph sued on was one of the paragraphs that stated matters of fact coming between the two parts of the article where an inquiry was called for, the beginning and the end, and the suggestion seemed to me to attribute to the passage a meaning that I did not consider that the jury could possibly put upon it.' p.122, ll.28 to 32

30. In the appellant's contention this reasoning does not sufficiently take into account the crucial and unusual feature that the facts stated in the passage sued on are that Mr Judd had made certain remarks. When a passage reporting that he had made these remarks is placed in the context of an article which calls throughout for an inquiry, it is contended that the interpretation suggested is fully open.

40 31. Following the passage in his summing-up which has just been referred to, the Acting Chief Justice went on to say:

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p.104, ll. 17 to 30

'I go back then to the question of whether the words mean what the plaintiff alleges. There are certain general matters in respect of that that I want to mention to you. The first is this – the article said that Judd said those words and that the article is reporting him. You were asked to consider whether in fact that was established, but I suggest to you that it does not very much matter for this reason – if you accept that those words were spoken by Judd, it is not a defence at all that a statement that might be defamatory is put forward by way of report only. It does not help the defendant that the way that it is put is that Judd said "See Phil and Phil would fix it". The case is properly to be dealt with as if the defendant itself said "See Phil and Phil would fix it". And it does not matter either that Judd may have used the words, if he did use the words, in their primary meaning of merely arranging it and may not himself in those words, if he said them, have meant or said anything defamatory of the plaintiff. The question is whether the words mean in this article what the plaintiff alleges they mean.'

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p.111, ll. 18 to 19

32. It is contended that there was a further misdirection here, in that the jury were directed that it did not help the defendant that the way it was put was that Judd said "See Phil and Phil would fix it"; and that the case was properly to be dealt with as if the appellant itself said "See Phil and Phil would fix it". This is the aspect of the summing-up referred to in paragraph (e) of the particulars of misdirections. In the appellant's contention, the question of the meaning of the words just mentioned as they appear in the article has to be approached bearing in mind that they are there set out as having been said by Mr Judd. This consideration supports both the view that the expression "fix it" is used in the article in its ordinary conversational sense and also the view that the implication of the whole passage sued on, in its context, is that, having regard to the fact that Mr Judd had made certain remarks, the paper is suggesting that the inquiry called for should extend to the part played by the respondent

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p.125, l.16 to  
p.126, l.22

33. In his judgment the Acting Chief Justice appears to have decided against the appellant's submissions as to this part of the summing-up mainly on the ground that no substantial submission was made at the trial that the words sued on might convey no sinister meaning. It is correct that no substantial submission was made at the trial that the words sued on as a whole, in their context, bore no meaning in any way defamatory of the respondent. But it was denied that "fix it" bore any defamatory meaning. As already indicated, the substance of the appellant's submissions was that, although the reasonable conclusion was that in Mr Judd's reported statement "fix it" was used simply in its ordinary and natural sense, the true interpretation of the whole passage sued on, in its context, was that the newspaper was suggesting that, considering all Mr Judd's remarks together, the inquiry should extend to the respondent's conduct.

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34. A little later in his summing-up, dealing with the innuendo alleged, the Acting Chief Justice said:

p.104, l.39 to  
p.105, l. 7

'Now, nothing short of that will do the plaintiff any good. When he alleges a special defamatory sense, he is bound by that special sense, or innuendo as we call it, and nothing short of that will suffice. If you thought that they did not mean that, but might mean something else than that, that the Minister



10 was bungling or imprudent or something of that sort, then, you see, the whole course of the case might be different if that had been alleged, because the defence might have said "We justify those words, we will prove those words are true" or "we say that that is a fair comment on a matter of public interest", and the whole course of the case would have been changed if the plaintiff alleged something different from what he did allege. That is why, when a plaintiff assigns to words of an article a special meaning, a secondary or colloquial meaning, what is called the innuendo, he is bound by the words of the innuendo; and, if he does not succeed in showing that the words to the ordinary reader would mean that the plaintiff is and was a person who has acted and is prepared to act dishonourably in connection with the issue of import licences, then the plaintiff will fail. He sets up that meaning and it is on that meaning that he takes his stand.'

In this passage the Acting Chief Justice explained what he meant by something short of the innuendo alleged by referring to an innuendo that the Minister was bungling or imprudent or something of that sort; but in accordance with the views already expressed in his summing-up and subsequently expressed in his judgment, he here refrained from referring to the meaning of the passage sued on suggested by the appellant.

20 35. After dealing in his summing-up with the question of meaning the Acting Chief Justice dealt with the question of damages, and concluded by asking whether there was some aspect of the case which he had not touched on on which counsel felt he ought to give a direction. What then occurred is referred to in paragraph (f) of the particulars of misdirections and in the next paragraphs hereof. p.108, ll.17 to 18 p.111, ll. 19 to 25

36. In view of what the Acting Chief Justice had said in the parts of his summing-up already referred to, counsel for the appellant asked a question which is recorded substantially accurately as follows:

30 'If the jury thought the meaning was, in view of Judd's remarks, that an inquiry should include the question whether or not the plaintiff has acted dishonourably in connection with import licences – if they thought the words bore that lesser meaning, a different meaning from the one assigned by the plaintiff, then the defendant would be entitled to a verdict?' p.108, ll. 20 to 24

37. Unfortunately the Acting Chief Justice's reply to that question is not correctly recorded in the transcript of his summing-up. The transcript records him as having said:

'I hope I have, and I think I have, made that clear. I have told the jury that it is essential for the case for the plaintiff that it should be established by the plaintiff that the words bear the meaning alleged by him.' p.108, ll. 25 to 27

40 38. When the transcript of the summing-up became available, it was pointed out by the appellant's solicitors, in a letter to the Acting Chief Justice's Associate, that the transcript was not correct at this point. The recollection of both counsel and solicitor for the appellant is, as stated in that letter, that the Judge's statement was to this effect: p.109

'I do not wish to add anything to what I have already said on that matter. I have told the jury that it should be established by the plaintiff that the words bear the meaning alleged by him, and I want to leave it at that.'

p.123 39. The Acting Chief Justice subsequently asked counsel for both parties to attend before him in Chambers and the matter of the transcript was discussed. At the beginning of the discussion counsel for the respondent informed the Acting Chief Justice that their recollection of what he had said was not clear. The Acting Chief Justice discusses the matter in his judgment and says in substance that the recollection of counsel and solicitor for the appellant may well be correct.

40. In the appellant's contention, the Acting Chief Justice's indication, in reply to the question, that he did not wish anything more to be said about the suggested interpretation not only did nothing to correct the effect of the directions already referred to, but also would have tended to increase the impression, conveyed by those directions, that there was something improper or irregular about the appellant's suggestion that the interpretation be considered. 10

p.144, l.26 to p.149, l. 12 41. In its judgment upholding the decision of the Acting Chief Justice the Court of Appeal said, as to the direction that the call for an inquiry had no bearing on the question of interpretation, that with regard to the words 'see Phil and Phil would fix it' the learned Judge was "quite right when he said that these words could not possibly bear the meaning sought to be placed on them" for the appellant; and that the summing-up as a whole provided the jury with a fair guide. 20

p.148, ll.24 to 28 p.149, ll.1 to 12 As to the direction that it did not help the appellant that the way it was put was that Judd said "see Phil and Phil would fix it" and that the case was properly to be dealt with as if the defendant itself said this, the Court of Appeal said that "for all practical purposes the Judge was right when he told the jury that the case should be dealt with as if the writer of the article had used these words himself". As to what was said by the Acting Chief Justice at the end of the summing-up, in answer to counsel's request, the Court of Appeal held that "the proper course for us to adopt is to proceed on the basis that the Judge at this stage did no more than repeat that the respondent was required to establish that the words bore the meaning alleged by him in the innuendo." 30

p.147, ll. 22 to 24

p.148, ll. 1 to 4

42. The appellant humbly submits that the judgment of the Court of Appeal is erroneous and should be reversed and that a new trial of this action should be ordered, for the following among other

## REASONS

BECAUSE the learned Acting Chief Justice misdirected the jury in -

1. Directing the jury that on the question whether the passage complained of bore the meaning alleged by the plaintiff the fact that the newspaper might have been asking for a general inquiry had no bearing at all.

2. Directing the jury that the case was properly to be dealt with as if the defendant itself said, "See Phil and Phil would fix it." 40

3. Directing the jury that they should find for the defendant if they thought that the words sued on did not mean what was alleged by the plaintiff, but might mean something less than that, that the Minister was bungling or imprudent or something of that sort, but refraining from specifically directing the jury upon request that they should find for the defendant if they thought the meaning was that, in view of Judd's remarks, an inquiry should include the question whether or not the plaintiff had acted dishonourably in connection with import licences.

10 4. By the abovementioned directions, instructing the jury to disregard certain specific matters which told against the innuendo alleged by the plaintiff and so to consider the question of the meaning of the passage sued on, in its context, on a wrong basis.

5. In substance excluding from the jury's consideration the defendant's case on the question whether or not the words sued on bear the meaning alleged by the plaintiff.

R. B. COOKE

# In the Privy Council

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ON APPEAL

*From the Court of Appeal of New Zealand*

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BETWEEN

"TRUTH" (N.Z.) LIMITED *Appellant*

AND

PHILIP NORTH HOLLOWAY *Respondent*

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Case for the Appellant

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