

RAILWAY INSPECTOR'S SLANDER ACTION.

Doctor Sued at Kerry Assizes

THE RESULT.

At the Kerry Spring Assizes on Tuesday, before Lord Justice Moloney,

Jeremiah O'Dwyer, Inspector, in the employment of the G. S. and W. Railway at Limerick, appealed against the decision of the County Court Judge in dismissing an action for slander against Timothy Wolfe, M.D. Tarbert. The slander was alleged to be contained in a notice published in the "Liberator" that the Inspector's conduct was not all that it should be.

Serjeant Sullivan, K.C., and Mr. D. McC. Downing (instructed by Mr. P. J. O'Donnell soli.), appeared for the appellant.

Mr. E. J. McElligott, K.C. and Mr. B. Roche (instructed by Mr. T. Wolfe, soli.), for the respondent.

The defendant, in his evidence, stated that the paragraph which was published in the "Liberator" first was afterwards sent to every newspaper circulating between Limerick and Tralee.

Serjeant Sullivan—I believe that (the "Liberator") enjoys immunity. They were safe in publishing it.

After hearing further evidence, his Lordship deferred judgment.

On Wednesday morning, his Lordship in giving judgment, said the case was of some public importance. The plaintiff was a man who had risen in the service of the Great Southern and Western Railway Company from the position of porter to that of inspector at Limerick, and for 25 years he had borne an excellent character in the service of the Company. The defendant was a young Medical Officer in Tarbert in this county, who had perhaps an exaggerated view of his own importance, and who perhaps did not consider that there was a duty also cast upon a professional gentleman of kindness and consideration for those with whom he came in contact. He referred to the letters written by defendant to the railway authorities in which he accused plaintiff of being ill-manners and conduct insolent, impertinent and uncivil and expressed the hope that his authorities would deal with him. He came to the conclusion that Dr. Wolfe was not justified in the language he used against plaintiff. The matter was fully investigated by the Superintendent at Limerick, who came to the conclusion that Dwyer had not been lacking in his duty and that the case was a most exaggerated one. His Lordship fully agreed with that view. He had no difficulty in deciding that Dr. Wolfe's letter of complaint to the railway company was a libel on the plaintiff, but after reviewing the evidence at great length he came to the conclusion "with every desire possible to give relief to the plaintiff," that he would not be justified in holding that defendant was actuated by malice and consequently affirmed the dismissal.

Replying to Serjeant Sullivan,

His Lordship said he held the publication of Dr. Wolfe's letter in the newspapers was no libel. He deferred the consideration of the question of costs.