

maliciously wrote, and printed and published, or caused to be written, printed and published on page 11 of the issue of the said newspaper dated that day under the headline "PEOPLE ARE SAYING" of and concerning the Plaintiff, the words following, that is to say:

PEOPLE ARE SAYING: Ju-Ju does not only have Labour Party problems, he also have an alcohol problem. In Monchy and La Borne he is often carried to his car like an invalid, drunk after two drinks and always picking for a fight."

On the 22nd day of April, 1991 an appearance was entered on behalf of the Defendants.

A judgment dated 21st June, 1991 and filed on the 27th day of June 1991 was obtained by the Plaintiff against the Defendants and reads as follows:

"No Defence having been filed and/or served herein by the Defendants, it is this day adjudged that Interlocutory Judgment be entered against the Defendants for damages to be assessed and costs."

On the 26th of February an order was granted in these terms:

"That the judgment dated 21st June, 1991 be and is hereby set aside.

That the Defendants do file their Defence on or before 11th March, 1992.

That the matter do hereafter take its usual course.

That there will be no order as to costs."

On the 28th day of February, 1992 a Defence "*with leave granted on 26th February, 1992*" was filed by the Defendants.

The Defence is reproduced:

DEFENCE

(With leave granted on 26th February, 1992)

The defendants state:

1. Save as to the allegation that the Plaintiff "is commonly and/or also known as Ju-Ju", of which the plaintiff has no knowledge, paragraph 1 of the Statement of Claim is admitted.
2. Paragraph 2 of the Statement of Claim is admitted.

3. The defendants admit publishing the words set out in paragraph 3 of the Statement of Claim but deny that the words were published falsely or maliciously.
4. The defendants deny paragraph 4 of the Statement of Claim and state as follows:
 - (a) the said words in their natural and ordinary meaning did not bear and were not understood to bear and are incapable of bearing any of the meanings alleged in the said paragraph 4 or any meaning defamatory of the plaintiff;
 - (b) in their natural and ordinary meaning, the said words are true in substance and in fact.
5. The defendants deny paragraph 5 of the Statement of Claim and state that the said words did not bear and were not understood to bear and are incapable of bearing any of the extended meanings alleged in the said paragraph 5 or any extended meaning defamatory of the plaintiff.
6. Save as herein specifically admitted the defendants deny each and every material allegation in the Statement of Claim as if the same had been herein set out seriatim and specifically denied.

The defendants claim that the action be dismissed with costs.

On the 13th of March, 1992 a request for hearing was filed by the Plaintiff.

The matter was set down to be heard on the 7th day of July, 1994.

During the period that the matter was ripe for hearing and set down for trial, Counsel, Mr Henry Giraudy for the Defendants died. Thereafter various correspondence, to the Defendants were filed. The firm of Floissac Flemming and Associates wrote many letters to the Defendants requesting them to instruct "*new solicitors to take over the proceedings.*"

Barrister-at-Law, Lennard Riviere appeared on three occasions when he was sent for. He told the Court that he did not have the conduct of the proceedings on behalf of the Defendants. There were sixteen (16) adjournments.

The matter was part heard on the 27th of February, 1996 and completed on the 24th day of April, 1997.

The first Defendant and Mr Hollis Bristol attended court on a few occasions when the matter had to be adjourned on their behalf. The matter was adjourned fifteen times on behalf of the Defendants.

At the trial on the 27th day of February, 1996 only the Plaintiff attended court and gave evidence on his own behalf. He told the Court that he was a married man who lived with his wife and family at Sunny Acres, Choc, Castries, that he was Chief Executive of the Julian R. Hunte Group of Companies which employs about thirty (30) persons.

He said that he was then Leader of the Opposition for at least ten (10) years standing, Leader of the Labour Party for eight (8) years and was commonly called Ju-Ju and Toddy by his friends.

He narrated the various boards of which he had been chairman over the years. He told the Court how he had contested both the 6th April and 30th April elections in 1987 and had been successful at both elections, that he was the Parliamentary Representative for Gros-Islet and that the areas of Monchy and La Bourne are areas forming part of the said constituency of Gros-Islet.

At the hearing he referred to another paragraph on the same page 11 of the issue of the said newspaper under headline "*People are Saying*" which reads as follows:

"OECS Unity is struck in Ju-Ju throat like a bone. He has no scope in Ravine Mitant, Grande Riviere and La Bourne - the little he had in Monchy has gone the Calbasse way - what a Dope for Scope."

He explained to the Court what scope meant and who was Calbasse.

I pause here to state that, the words mentioned above were not pleaded but printed in the same issue of the newspaper and is connected with the subject-matter of the libel.

The Defendants were not legally represented or present at the trial nor was any excuse tendered on their behalf.

CONCLUSION

The gist of the Defendants' defence is that the words (set out in paragraph 3 of the Statement of Claim quoted earlier) in their natural and ordinary meaning did not bear and were not understood to bear and are incapable of bearing any of the meanings or extended meanings alleged in the Statement of Claim or any meaning or extended meaning defamatory of the Plaintiff.

It is settled law that in order to understand the meaning and significance of words complained of one must look at the context in which they were used and that the test is objective. It is what meaning would the ordinary, reasonable man ascribe to or infer from these words.

"According to that test, the question required to be answered is whether under the circumstances in which the words were published, the defamatory meaning pleaded is the meaning which ordinary, reasonable men to whom the publication was made would ascribe to or infer from these words." Sir Vincent Floissac, C.J. in NABANO ET AL vs POWELL ET AL B.W.I. CIVIL APPEAL NO.8 OF 1994 PAGE 6.

The Plaintiff relied on the ordinary and natural meaning of the words.

In JONES vs. SKELTON [1963] 3 AER 952, Lord Morris explained

the concept at page 958.

"The ordinary and natural meaning of words may be either the literal meaning or it may be an implied meaning or an inferred or indirect meaning; any meaning that does not require the support of extrinsic facts passing beyond general knowledge but is a meaning which is capable of being detected in the language used can be a part of the ordinary meaning of words (see Levis vs. Daily Telegraph Ltd). The ordinary and natural meaning may therefore include any implication or reference which a reasonable reader, guided not by any special but only by general knowledge and not fettered by any strict rules of construction, would draw from the words."

As I see it the words complained of in their ordinary and natural meaning are capable of conveying a defamatory meaning of the Plaintiff to the ordinary reasonable man. I also find as a fact that the words do in fact convey such a defamatory meaning viz, that the Plaintiff is an alcoholic who is incapable of properly conducting himself after imbibing alcoholic beverages in that he becomes violent by picking fights with anyone. To pick a fight with anyone is a criminal offence in Saint Lucia.

The Defendants have pleaded that the words in their natural and ordinary meaning are true in substance and in fact. As stated earlier neither the Defendants nor any witnesses gave evidence on their behalf at the trial which would allow me to deduce from their evidence, after forming an analysis, and having regard to the surrounding circumstances that the words were indeed true in substance and fact. I have only the Plaintiff's evidence to consider though I bore in mind the pleadings in the defence.

I have considered and compared the quantum of damages awarded in our jurisdiction to people in or aspiring to high political office.

As stated earlier I find the words complained of to be defamatory of the Plaintiff and that he has been injured in his credit, character, and reputation and has been brought into public scandal, odium and contempt and has suffered loss and damage.

I therefore give Judgement for the Plaintiff against all the Defendants for damages in the sum of fifteen thousand dollars (\$15,000.00), with costs to be taxed if not agreed.



SUZIE d'AUVERGNE
PUISNE JUDGE