

Tyndale Palmer vs. St. Paul Dispatch

(1895)

After the trial the *St. Paul Dispatch* called the case a cause célèbre. It may be more accurate to call it a mass tort with two hapless victims.

On October 1, 1892, United Press and the American Press Association, news services, telegraphed their subscribers a story about two men, Tyndale Palmer and Joao Francisco de Freitas, who had stolen an enormous sum from a Philadelphia lighting company. The theft took place in Brazil where the men had sold a patented lighting device for \$510,000, sent the company \$80,000 and pocketed the difference. The story was not true.

About 150 newspapers throughout the United States published it. Upon learning that the story was false, many newspapers published retractions. But some did not, and Palmer and Freitas thereupon began libel suits against about 125 newspapers around the country. Almost two years passed before Palmer turned his attention to Minnesota newspapers that had published versions of the story. He considered the rural weeklies fair game. The *St. Paul Daily Globe*, *St. Paul Pioneer Press*, *Minneapolis Times* and *St. Paul Dispatch*, four major metropolitan dailies, had published the false article, and the decision was made to sue each one except the *Globe* (the *Minneapolis Tribune* and *Journal* did not print the story). The following is the libelous story in the *St. Paul Dispatch* on Saturday, October 1, 1892:

HE STOLE \$440,000

Swindles His Employers Out of
Nearly Half a Million Dollars
On a Single Deal.

Philadelphia, Oct. 1— The theft of \$440,000 from the Aver Incandescent Light company by Tindale Palmer, a former Philadelphia newspaper man, in which he was joined by a hotel keeper named Freitas, of Rio Janeiro, has just been brought to light. The

company is owned solely by A. O. Granger, the president, and ex-Senator Joseph M. Gazzam, vice president. They formed the South American Weisbach Incandescent Light company, and sent young Palmer to Rio to boom the invention. He and Freitas sold the patent right for \$510,000 in gold, and upon Palmer's return he reported the sale as having been made for \$80,000, of which \$10,000 was expended in his salary, expenses and commission. The theft was not learned until two other men were sent to Brazil on a second mission, although reports had reached the ears of the company. Palmer was sent to England to negotiate securities of one ex-Senator Gazzam's iron companies and upon demanding a higher commission was dismissed. Palmer cannot be returned from England, but action is being taken to recover sums which he expended in buying farms for relatives.

The second trip was made to Brazil to sell improvements on the original Weisbach invention, which caused the title to be changed to the Avar company.¹

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On Saturday, September 8, 1894, three weeks before the two year statute of limitations for libel suits expired, Palmer served a demand for a retraction upon the *Dispatch* in accordance with the state libel law.² That law required a complainant to demand in writing a retraction at least three days before filing suit. Palmer's retraction demand also had a settlement proposal and enclosed a few newspaper clippings. On Monday, September 10, a summons and complaint naming George Thompson, publisher of the *Dispatch*, as the sole defendant were served.³

¹ *St. Paul Dispatch*, October 1, 1892, at 6.

² See Stat. c. 66, Title 2, §4693, at 206 (1891) (2 year limitation period for libel actions).

See Stat., c. 66, Title 7, §4795, at 226 (1891) (required notice before commencing suit). This law is posted in the Appendix, at 34-35.

³ Several weeks later de Freitas sued Thompson. It was reported in the *Globe*:

TWO \$50,000 LIBEL SUITS.

Brought Against the Dispatch on an Old Matter.

The *Globe* reported that the suit against the *Dispatch* was one of many:

THAT LIBEL SUIT

Against the *Dispatch* Is Growing Interesting.

The plot thickens in connection with the libel suit mentioned yesterday as having been commenced against the *St. Paul Dispatch* by Tyndale Palmer.

It has been ascertained that all the papers in the United States who were at that time using the United Press reports and used the report sent out in their dispatches from Philadelphia Oct. 2., 1892, either have been sued already or will be sued. Over 125 papers have so far been sued, and as both Palmer and his South American confere, Jose Francisco de Freitas, each, sue for \$50,000, it will be easily seen that the amount involved in the litigation up to date is \$12,500,000, and is rapidly increasing.

Joao Francisco de Freitas has begun an action for defamation of character against George Thompson, of the *Dispatch*, alleging \$50,000 damages. The basis of the action is the publication of a news item under date of Oct. 1, 1892, sent by a press association from Philadelphia, to the effect that the plaintiff had been accused of joining with Tindale Palmer, a former Philadelphia newspaper man, in stealing \$440,000 from the Aver Incandescent Light company.

The plaintiff is a resident of Rio de Janeiro, Brazil. He says that in September, 1890, he entered into a negotiation with Tindale Palmer, representing the South American Welsbach Incandescent Light company for the purchase of a patent, and paid Palmer \$80,000 for the patent. The charge of dishonesty in the deal is denied. It is alleged that the good name of the plaintiff has been injured at home and abroad by the publication of the article complained of in the *Dispatch*. The *Dispatch* is one of a great many papers throughout the United States that are sued on the same account.

Tindale Palmer, of Philadelphia, has also sued George Thompson, of the *Dispatch*, alleging \$50,000 damage to his reputation by the publication of the same item complained of by Joao Francisco de Freitas.

St. Paul Daily Globe, October 14, 1894, at 3. This suit was not consolidated with Palmer's. It most likely was dismissed, as was his suit against the *Pioneer Press*. See Note 21.

These suits are commenced “on commission” or on a contingent fee, and several attorneys in Minneapolis were approached with a confidential circular before the prosecution of the suits were undertaken. The Daily Courier, of Waterloo, Ia., is the latest recruit to the ranks of the sued.⁴

Chelsea J. Rockwood of Minneapolis and Christopher D. O’Brien of St. Paul represented the plaintiff, while Marcus D. Munn defended the *Dispatch*. Munn defended the *Dispatch* in many libel trials (in 1897 he defended the paper in the two Lind libel suits). Decades later Rockwood would be appointed to the Hennepin County District Court, serving from 1917 to 1919. O’Brien was no stranger to libel suits, having represented George Hewitt against the *Pioneer Press* in 1875. The presiding judge, Hascal R. Brill, was in his 20th year on the Ramsey County bench and would serve until death in 1922.

In 1894 a typical case in Ramsey County was called for trial several months after it was filed.⁵ Thorough pre-trial “discovery” of the other side’s case was unknown. Document requests, interrogatories and depositions, though available by statute, were rarely used. At the request of Palmer’s attorneys, Judge Brill ordered Marcus Munn to produce Palmer’s retraction demand and enclosures. He grudgingly complied during the trial and this led to one of many heated arguments between counsel.

The trial began on Monday, January 28, 1895, as the *Globe* reported:

IT DIDN’T RETRACT.

Tindale Palmer’s \$50,000 Libel Suit Against the St. Paul Dispatch Begun

⁴ *St. Paul Daily Globe*, October 3, 1894, at 3. The letter soliciting lawyers to represent Palmer and de Freitas was printed in the *Minneapolis Journal* on October 2, later reprinted in the *Duluth Evening Herald* on October 4, 1894, at 3. See Appendix, at 32-33.

⁵ Palmer first filed his suit in Hennepin County District Court. *Globe*, October 2, 1894, at 3. It was transferred to Ramsey County probably because the *Dispatch* did little business in Minneapolis.

IN THE DISTRICT COURT.

**Grows Out of the Story Concerning
a Fake Swindling Operation.**

TILT BETWEEN ATTORNEYS

**Over Some Newspaper Clippings
Which Turned Up Missing.**

The \$50,000 libel suit of Tindale Palmer, of Philadelphia, against the St. Paul Dispatch, is on trial before Judge Brill and a jury. The suit grows out of a story published in the Dispatch in October, 1892, charging Palmer and a man named J. F. De Freitas with swindling the Weisbach Light company out of \$440,000 while the former was acting as its agent in disposing of a patent right in Brazil in 1890. The story was telegraphed from Philadelphia, and was published in a large number of papers. A great many of them afterwards made retractions, but Palmer claims the Dispatch refused to accept an offer to retract and make reasonable reparation, which left him no other course than a libel suit.

There was a sharp tilt between the attorneys over some newspaper clippings that Attorney Munn, counsel for the defense, did not want to give up. It appears that Attorneys Rockwood, of Minneapolis, and C. D. O'Brien, both of whom are representing the plaintiff, secured an order from the court directing the counsel for defense to produce the letter written by Palmer to the Dispatch, offering terms of settlement. Munn produced the letter, but withheld the clippings. The letter made reference to certain clippings enclosed, and when it came to submitting the whole in evidence, the clippings were missing.

Mr. Rockwood then submitted other clippings, which, he said, were taken from the same issue of the same paper. Mr. Munn objected, and when the attention of the court was called to the fact that Munn had

Retained the Clippings

inclosed, and the court ordered him to turn them over, he insisted that he did not know what clippings were inclosed; that the clippings he had withheld had been taken from his own files.

"The order to produce the letter must have carried with it, most assuredly, the production of all the papers inclosed in the letter," said Judge Brill.

"But, your honor, I do not know which clippings were inclosed," was Mr. Munn's reply.

"Well, you certainly should know," returned the court.

"Why, Mr. Munn, they were in the letter when you handed it over, and you picked them up and stuck them in your pocket after they were laid on the desk," put in each of the attorneys for the plaintiff. The dispute finally grew so warm that Mr. O'Brien likened the action to larceny.

To settle the matter without yielding, Mr. Munn eventually said that if Mr. Palmer would swear that the alleged duplicate clippings submitted were exactly the same as the ones he inclosed in the letter, he would admit that they were. Mr. Palmer so testified, and they were offered in evidence with the letter over the objection of Mr. Munn.

Mr. Palmer then testified regarding his trip to South America to dispose of the patent right referred to for the Welsbach Light company. He had previously been connected with the company, but lost all he had by the failure of the Minneapolis branch. He first went to Buenos Ayres, but owing to the revolution in Argentine at the time he could do nothing. He then went to Rio Janeiro. His company had instructed him to sell the right for \$40,000 cash and 25 per cent interest in the company that was to have control of it, the capital stock to be about \$100,000.

While he was making the deal he received a letter from the company, tell[ing] him that he was holding the price too high, and instructing him to reduce it and sell for anything over \$20,000. This letter was offered in evidence. He finally closed the deal at \$80,000 cash, and sent \$75,000 to his company, retain[ing] the other \$5,000 as commission and expenses. The company still

owed him a trifle, which it paid on his return. He said the only connection De Freitas had with the transaction was as representative of the purchasers.

Mr. Palmer was superintendent of the first electric street railway line built in Minneapolis.⁶

The second day of the trial had many clashes between the lawyers. The sole defendant George Thompson was somewhere in hiding, evading a subpoena. His testimony was important because the plaintiff needed to show that he had an ownership interest in the paper.⁷ Every witness the plaintiff's lawyers called denied any knowledge of his position in the company. Desperate they called Marcus Munn, the defense attorney, as a hostile witness (though that term was probably not used at this time). Munn, as defense lawyer, objected to every question he was asked and, as witness, expressed ignorance of Thompson's position. This must have been a "courtroom war story" that was retold for many years by Ramsey County lawyers. The trial's second day, as reported in the *Globe*:

WHERE IS GEORGE?

Thompson, of the Daily Dispatch,
Is a Hard Man to Find.

WHEN WANTED IN COURT.

Counsel Have Hard Work to
Establish the Ownership of the Paper.

IT SEEMS ACEPHALOUS.

⁶ *St. Paul Daily Globe*, January 29, 1895, at 2. It seems that the Palmer's letter offering terms of a settlement was admitted into evidence.

⁷ A letter from Thompson denying being an owner was discussed but it is not clear whether it was admitted into evidence.

The Libel Suit Develops Into a Warm Legal Battle.

As a sharp fight between attorneys, the libel suit of Tindale Palmer against the St. Paul Dispatch, on trial in Judge Brill's court, is proving a gem. Every bit of testimony offered on behalf of the plaintiff is objected to by the defense, and every question asked by the attorney for the defense on cross-examination is objected to by the plaintiff.

Where the defense is getting in its strongest work, however, is in harassing the attorneys for the plaintiff in their attempts to prove George Thompson's relation to the Dispatch.

The suit is brought against Mr. Thompson individually as proprietor and manager of the paper. A subpoena was issued for Thompson to bring him into court and answer as to his connection with the paper, but the deputy sheriff was told at the office of the Dispatch that Mr. Thompson was in Chicago, though Attorney Munn stated in court that he was in the city. A subpoena for Secretary Young, of the Dispatch Publishing company, was issued, but Mr. Young could not be found.

M. J. Costello was called, but he testified that, notwithstanding his connection as editorial writer on the paper for years, he was ignorant as to Mr. Thompson's relation to the paper. Attorney Munn, counsel for the Dispatch—a position he has held for years—then took the stand, but seemed to be as ignorant of the mysterious relation Mr. Thompson holds toward the paper as was Mr. Costello. It was amusing to see Attorney Munn on the stand as a witness, and yet objecting to every question asked by the plaintiff's attorneys. After Mr. Munn left the stand, the plaintiff

Called Harry Black,

managing editor of the paper, but Mr. Munn objected until after he had cross-examined Mr. Palmer, whose cross-examination had been postponed. Mr. Palmer then resumed the stand, and was subjected to a lengthy cross-examination.

Mr. Munn's attempts to draw out of the witness information as the number of other papers against which claims were made in consequence of the publication of the same story as the one that appeared in the Dispatch, were objected to by Attorneys Rockwood and O'Brien for the plaintiff, and a great deal of legal sparring resulted.

Judge Brill finally ruled that it was proper cross-examination, and the information was extracted piecemeal from the witness. In substance, it was to the effect that there were about 100 papers in all, there being eight in Minnesota.

Another point that led to a sharp controversy was an attempt on the part of Mr. Munn to examine the witness with reference to the sending out by his attorney, Boyd, of a circular. The circular is addressed to no one in particular, but was presumably intended for, if not sent to, the papers against which claims had been made. Mr. Palmer denied that he had any knowledge of the preparation or sending out of the circular prior to the time he inferred it had been sent out, and when he learned of the action of his attorney he objected to it. Further attempts of Mr. Munn to go deeper into the matter were objected to, and Judge Brill adjourned court until morning to think the matter over.

The legal sparring becomes so amusing at times that Judge Brill cannot refrain from smiling.⁸

The third day of the trial ended when Judge Brill instructed the jury, which returned a sealed verdict after deliberating three hours, as reported by the *Globe*:

THE VERDICT IS IN.

Jury Agree in Dispatch Libel
Suit, But Result Unknown

THE VERDICT IS SEALED.

⁸ *St. Paul Daily Globe*, January 30, 1895, at 2.

**O'Brien Scores Thompson—
Newspaper Men Nice Fellows,**

WITH LARGE CAPACITIES

**Who Will Let You Treat Just
as Often as You
Please.**

The libel suit of Tindale Palmer against the St. Paul Dispatch, which has excited so much interest the past few days on account of the sharp fight that developed between the attorneys in the case, was given to the jury last night, with instructions to return a sealed verdict.

When court opened yesterday morning, Palmer resumed the stand, and the cross-examination continued for a time with about the same results as on the previous day.

The defense then called George A. Doran, who has charge of the circulation of the paper, to prove that Mr. Thompson, against whom the suit was brought individually, had nothing to do with the sending out of the papers.

A. E. Chantler, who was managing editor of the paper at the time the alleged libelous article appeared, was next called to prove that Mr. Thompson had no knowledge of the publication of the article.

Mr. Thompson was not present, his physical condition being such as to make it inconvenient for him to put in an appearance, but he sent a written statement in which he confessed that he was the executive head of the corporation that owns the paper. But he denied that he is individually the owner.

Attorney Munn made a strong argument for the defense. He laid much stress on certain discrepancies in the testimony of the plaintiff on direct examination compared with that on cross-examination, and tried to make it appear that Palmer's business schemes, which were upset by the publication, were more in

imagination than in reality. In this connection he said: "When Mr. Palmer gave up his business in London and came to this country and formed a partnership to go into this business of libel financiering instead of libeling financiering, he made a big mistake."

Mr. Munn also laid stress on the fact that no demand for reparation was made for nearly two years after the publication of the article, though Palmer admitted having purchased a copy of the paper with this end in view shortly after it was printed.

Another point was that the letter demanding a retraction called attention to an article published on Oct. 3, whereas no such article appeared in that issue, and newspaper people could not be expected to go through the entire files of the paper to ascertain the issue in which an item appeared, or to see if it appeared at all. The legal demand for retraction was made on Sept. 10 (sic) at 4 o'clock, Mr. Munn said, after the paper had gone to press, the next day was Sunday and no issue was printed, and the following day the suit was begun, so there was no opportunity for retraction, as provided by law.

His strongest point, however, and the one on which the verdict probably hinges, in case the jury has found for defendant, is the claim that Mr. Thompson is not individually the owner of the paper, but the Dispatch Publishing company, a corporation of which Mr. Thompson is simply the head, and therefore Mr. Thompson could not be held to be liable. The fact that the Dispatch does not circulate outside the limits of St. Paul was also dwelt on to show that no material damage could result from the publication of the article from the publication of the article in this particular paper.

C. D. O'Brien made the argument for the plaintiff in his usually forceful style, laying particular stress on the sacredness of a man's reputation, and the consequences that invariably follow even a slight charge against a man, much less one of such a serious nature as the theft of \$440,000. No matter who Mr. Palmer might be or how unworthy he might be, the article was untrue, and the only thing to have done was to retract it.

"Why did not Mr. Thompson come into this court and face the jury like a man?" asked the speaker. "He has no regard for this man's character, and he evidently has no regard for the courts. I confess Mr. Munn is a nice fellow. I would rather be Munn when Thompson is paying him than to be Thompson. The counsel for the defense has warned you that you were about to hear an attack on the newspapers, but you won't; that you were about to hear an attack on the defendant, but you won't from me; that you were about to hear an appeal to sympathy in behalf of this plaintiff, but I tell you, gentlemen, he has got beyond your sympathy. Not one of you would for any money consideration take his place; have it go out to the world that you had stolen \$440,000. I know a lot of newspaper men. They are good fellows. They will let you treat just as often as you have a mind to, and they have a capacity that is delightful. Newspaper men and newspapers are useful, but they must not be permitted to destroy men's reputations."

Judge Brill's charge was brief. He said the article was certainly libelous. The only questions were as to whether the defendant was responsible, and, if he was, the amount of damage the publication in this particular paper had caused. As to the question of the liability, of the defendant, he said that if it be found that Mr. Thompson was simply the executive head of the corporation owning the paper, and had no direct knowledge of the publication of the article, he could not be held individually responsible.

The jury retired about 5:30 o'clock, and reached a verdict after being out about three hours.⁹

The *Minneapolis Tribune* reported the verdict:

⁹ *St. Paul Daily Globe*, February 1, 1895, at 2. When O'Brien stated that newspaper men "will let you treat...and they have a capacity that is delightful," he referred to consumption of liquor.

The only Saturday that fell on the 10th day of September was in 1892, not 1893 or 1894. The retraction could not have been delivered on Saturday, September 10, 1892, because that would have been before the publication of the libelous article on October 1, 1892. Munn confused the date of the retraction demand with the day the complaint was served. The retraction demand was delivered on Saturday, September 8, 1894, and suit started on Monday the 10th.

VERDICT FOR PALMER.

The Jury in the Suit for Libel Assesses the Dispatch \$350.

Special Telegram to the Tribune.

ST. Paul, Feb. 1.—The jury in the libel suit of Tindale Palmer against the St. Paul Dispatch returned a sealed verdict last night. This was found this morning to be in favor of the plaintiff for \$350. The case will be appealed to the supreme court.¹⁰

The *Dispatch* reported the verdict as a resounding success, which in a way it was:

NOMINAL DAMAGES.

Awarded the Plaintiff in the Palmer Suit
for Libel.

THE VERDICT WAS FOR \$350.

Suit becomes a Cause Celebre on Account of the
Fierce Legal Battle it Provided —Skillful Conduct
of the Attorneys on both Sides— Jury Average Up
a Verdict —In About an Hour.

In the famous action for libel in which Tyndale Palmer sought to recover damages in the amount of \$50,000 from George Thompson, the jury this morning returned a verdict giving Palmer

¹⁰ *The Minneapolis Tribune*, February 2, 1895, at 6. *St. Paul Daily Globe*, February 2, 1895, at 2, also reported the verdict:

Thompson Loses.

The jury in the libel suit of Tindale Palmer against George Thompson, of the St. Paul Dispatch, yesterday returned a verdict for \$350 in favor of the plaintiff. This is merely nominal, and will hardly pay the expenses of the plaintiff in bringing the suit. The suit was for \$50,000.

the nominal amount of \$350. A stay of thirty days was granted, pending the next step in the case.

The action was so closely contested on both sides that it became a legal battle royal, and inasmuch as at least fifty similar actions are pending, is worthy some descriptive detail. The history of the affair is briefly as follows: on Oct. 1, 1892, the United Press sent out to about 150 papers in the United States, a telegram in which it was asserted that Tyndale Palmer and a Brazilian man named De Freitas had together acted dishonestly in connection with the sale of an electric light patent right which was negotiated in Rio Janeiro between them, returning the selling price at a figure below the actual amount and pocketing a large sum as the difference. Palmer was given as the former Philadelphia newspaperman and De Freitas as a hotel keeper at Rio. This telegram was printed in the Dispatch and 150, more or less, other newspapers, receiving the service of the United Press, and printed in good faith, without question of its correctness. Palmer and Freitas shortly afterward denounced the telegram as without foundation, and immediately set on foot what is perhaps the largest aggregate libel suit in American jurisprudence, beginning actions against over fifty newspapers for an aggregate of nearly \$3,000,000 damages. Of the newspapers eight were in Minnesota, and one of the actions taken was against George Thompson of the publication in the St. Paul Dispatch, damages to the extent of \$50,000 being demanded.

The case went to trial before Judge Brill on Monday last, and will go down in legal history is one of the hottest legal battles ever fought for libel. For the plaintiff, Palmer, the attorney of record was C. J. Rockwood of Minneapolis, who called to his assistance, C. D. O'Brien, of this city, and a must be said for them that, at every point of the case, they fought for their client with rare skill and ability. In the conduct of the suit they were assisted by a compilation of citations of authorities of the most elaborate character, prepared within the past year by Palmer himself, at the expense of great industry. The legal assault was sustained for the defense by attorney Marcus D. Munn, who made a brilliant resis-

tance, in full keeping with the reputation he has won at the bar of the state.

The character of the battle, as fought out before Judge Brill, is best shown by the fact that, though the case was on trial for four days, only a half a dozen witnesses were examined, the remainder of the time being occupied with unraveling knotty legal points. The plaintiff was the principal witness and, in his direct examination, disclosed that he had been engaged in the exploitation of the most gigantic financial operations, which, he claimed, were nipped in the bud by the publication of the articles complained of. The aspect of his affairs changed materially under the rigid cross-examination to which attorney Munn subjected him. The case was summed up last evening, and after instructions by the court, the jury went out, returning a sealed verdict this morning, in which the plaintiff was given damages of \$350. A stay of thirty days was granted, as usual, and the case is over for the present.¹¹

During the next 30 days, the Marcus Munn filed a motion for a new trial. On September 12, 1895, Judge Brill granted that motion and ordered a new trial, as reported in the *Globe*:

REVERSE FOR PALMER.

**His Verdict Against George
Thompson Cannot Stand.**

Judge Brill yesterday filed an order granting the motion of defendant for a new trial in the case of Tyndale Palmer against George Thompson, proprietor of the Dispatch. Palmer brought an action to recover some \$50,000 for libel on account of a report published as sent out through the United Press some years ago, to the effect that he was guilty of perpetrating a gigantic swindle in South America. This was only one of a large number of similar suits begun by Palmer in different parts of the country. The jury in this case gave him a verdict of \$350, which, it was thought, was so small that the Dispatch would pay it rather than follow the case

¹¹ *St. Paul Dispatch*, February 1, 1895, at 3.

farther. But Judge Brill grants the motion for a new trial for the following reasons, as set forth in his memorandum attached to the order:

"Aside from the other questions I am of opinion that the evidence was not sufficient to show the service upon defendant of the notice required by the statute. In any event it was not conclusive as was held by the court at the trial. If the evidence was otherwise sufficient this would not have prevented a recovery of actual damages, but the court allowed the jury to include punitive damages also."¹²

The last chapter in this litigation was the following docket entry in the books of the clerk of court:

56,184—Tyndale Palmer vs. George Thompson; dismissed without costs to either party.¹³

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The libel suit against the *Dispatch* was the first of Tyndale Palmer's to be tried and it received extensive coverage by the *Globe*. The other major trial against the *Pioneer Press* was largely ignored by the metropolitan press. Libel suits against *Minneapolis Times* and other small town newspapers were dismissed by demurrer or stipulation. Newspaper accounts of some of the court rulings follow.

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¹² *St. Paul Daily Globe*, September 13, 1895, at 2.

¹³ *St. Paul Daily Globe*, November 30, 1895, at 8.

Appendix

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This is the libelous story in the *Dispatch*, October 1, 1892:

HE STOLE \$440,000.

Swindles His Employers Out of
Nearly Half a Million Dollars
on a Single Deal.

PHILADELPHIA, Oct. 1:—The theft of \$440,000 from the Auer Incandescent Light company by Tindale Palmer, a former Philadelphia newspaper man, in which he was joined by a hotelkeeper named Freitas, of Rio Janeiro, has just been brought to light. The company is owned solely by A. O. Grainger, the president, and ex-Senator Joseph M. Gazzam, vice president. They formed the South American Welsbach Incandescent Light company and sent young Palmer to Rio to boom the invention. He and Freitas sold the patent rights for \$500,000 in gold, and upon Palmer's return he reported the sale as having been made for \$370,000, of which \$10,000 was expended in his salary, expenses and commission. The theft was not learned until two other men were sent to Brazil on a second mission, although reports had reached the ears of the company. Palmer was sent to England to negotiate securities of one ex-Senator Gazzam's iron companies and upon demanding a higher commission was dismissed. Palmer cannot be returned from England, but action is being taken to recover sums which he expended in buying farms for relatives. The second trip was made to Brazil to sell improvements on the original Welsbach invention, which caused the title to be changed to the Auer company.

From the *St. Paul Daily Globe*, October 2, 1892, at page 6:

**MADE A BIG HAUL,
A Philadelphian Gets Away With
\$440,000.**

Philadelphia, Oct. 1— The theft of \$440,000 from the Aver Incandescent Light company by Tindale Palmer, a former Philadelphia newspaper man, in which he was joined by a hotel keeper named Freitas, of Rio Janeiro, has just been brought to light. The company is owned solely by A. O. Granger, the president, and ex-Senator Joseph M. Gazzam, vice president. They formed the South American Weisbach Incandescent Light company, and sent young Palmer to Rio to boom the invention. He and Freitas sold the patent right for \$510,000 in gold, and upon Palmer's return he reported the sale as having been made for \$80,000, of which \$10,000 was expended in his salary, expenses and commission. The theft was not learned until two other men were sent to Brazil on a second mission. Palmer is in England, and cannot be returned.

The next day, October 3, 1892, at page 4, the *Globe* reprinted the story under a different headline.

A JOURNALIST'S NERVE

**Theft of More Than Four Hundred
Thousand Dollars.**

Philadelphia, Oct. 2.—The theft of \$440,000 from the Aver incandescent Light company, by Tyndale Palmer, a former Philadelphia newspaper man, in which he was joined by a hotelkeeper named Freitas, of Rio Janeiro, has been brought to light. The company is owned solely by A. O. Granger, the president, and ex-Senator Joseph M. Gazzam, vice president. They formed the South American Welsbach Incandescent Light company, and sent young Palmer to Rio to boom his invention.

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A shorter version of the story was reprinted under a different headline in the *Winona Daily Herald*, *New Ulm Review* and *Preston Times*:

**STOLE A BIG SUM.
A Philadelphia Company Robbed of
Over \$400,000.**

Philadelphia. Oct. 3.—The theft of \$440,000 from the Auer Incandescent Light company by Tindale Palmer, a former Philadelphia newspaper man, in which he was joined by a hotel beeper named Freitas oi Rio Janeiro, has just been brought to light. The company sent young Palmer to South America to boom the company. He and Freitas sold the rights for \$510,000 in gold and reported the sale as having been made for \$80,000, of which \$10,000 was expended in his salary and expenses. Palmer is in England and cannot be returned to this country. Action is being taken to recover the money from relatives.¹⁴

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¹⁴ *Winona Daily Herald*, October 3, 1892, at 2.
New Ulm Review (Brown County), October 5, 1892, at 3.
Preston Times (Fillmore County), October 6, 1892, at 3.

The Minneapolis Times.
(January 1896)

Palmer Has No Case.

Judge Belden yesterday morning sustained the demurrer of the defendant in the action of Tyndale Palmer and John Francisco De Freitas against The Minneapolis Times company. The plaintiffs claim that they were injured to the extent of \$50,000 by every paper which printed a dispatch dated Oct. 2, 1892, and emanating from Philadelphia.

An Eastern law firm made a collection of papers throughout the country, and wherever the dispatch was printed actions were brought by local attorneys on a contingent fee. The complaints were gotten out on a job press, the amount as being about \$100,000 to a city, or \$50,000 for each newspaper. The Minneapolis Times, among other papers, was a sufferer, and the firm of Fletcher, Rockwood & Cairns appeared for the plaintiffs.

Judge Belden, who heard the argument, is looked upon as one of the learned judges of the West, and his decision that there is no ground for action will doubtless be sustained in many other courts. Newspapers throughout the country will be gratified at the result.¹⁵

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¹⁵ *The Minneapolis Times*, January 8, 1896, at 7.

Winona Daily Republican.
(March 1895)

EXIT TYNDALE PALMER

**Salts for One Hundred Thousand Dollars
Against The Republican Dismissed.**

Readers of The Republican may recall the fact that a few months ago, suits were commenced against the publishers of this paper by Tyndale Palmer of Philadelphia and one De Freitas of Rio Janerio, Brazil, demanding for each the modest sum of \$50,000 as damages alleged to have been sustained by them by reason of a dispatch which appeared in these columns on the 3d day of October, 1892, from Philadelphia, reciting certain transactions in Brazil connected with the sale of certain patent rights by Mr. Palmer as agent for American principals. The same dispatch was published in several hundred other daily papers in the United States, against most of which similar legal proceedings were begun, the sum claimed in damages amounting in the aggregate to eight or ten millions of dollars. Thus far but one case, so far as we are aware, has come to actual trial—that of the *St. Paul Dispatch*, which because of a refusal to publish a retraction ended in a verdict for the plaintiff in the nominal sum of \$350, after one of the most sharply and ably conducted legal battles the courts of this State make any record of.

This so disconcerted Mr. Palmer that he has not since felt like prosecuting his suits in Minnesota with much vigor and quite recently he proposed to The Republican a private settlement. On the advice of its attorney, M. B. Webber, Esq., who had thoroughly prepared himself for a successful defense, Mr. Palmer's overtures were declined. Accordingly, the cases came up on their regular order on Tuesday afternoon in the District Court for Winona county (Judge Buckham presiding), but as neither of the plaintiffs nor their attorneys (a Minneapolis firm), made their appearance, the suits were, on motion of Mr. Webber promptly dismissed by Judge Buckham. They are now barred from further

prosecution by the statute of limitation. The Republican, here cheerfully reiterates, what it has once said before that it believes Mr. Palmer to have been wrongfully accused in the dispatch referred to, but this is something which the papers publishing it had no knowledge of at the time, and The Republican subsequently made a full retraction, and as it is persuaded that no harm came to the plaintiff from the appearance of the Philadelphia rumor in these columns, the result does no injustice to any one.¹⁶

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Mankato Free Press
(March 1895)

Suit filed.

LOOMING MILLIONS.
Palmer and Tyndale Still After
ye Editor.

Specials to the Globe.

Mankato Minn., Oct. 3.—L. P. Hunt, manager of the Free Press Printing company, was served with papers this afternoon in a libel suit brought by Tyndale Palmer and Joao Francisco de Freitas for \$100,000.

Sioux Falls, S. D., Oct. 3.— Today two suits for libel in the sum of \$50,000 each were commenced against the Press of this city, the alleged libel having been committed two years ago, on Oct. 4, 1892. The suits were brought by Tyndale Palmer, of Philadelphia, and Joao Francisco de Freitas, of Rio Janeiro.¹⁷

Suit Dismissed.

¹⁶ *The Winona Republican*, March 5, 1895, at 3.

¹⁷ *St. Paul Daily Globe*, October 4, 1894, at 1.

DISMISSED.

Two Big Suits Come to an End.

The \$50,000 Damage Suits of Tyndale Palmer and Joan Francisco de Freitas against the Free Press Printing Company Dismissed by Stipulation This Afternoon.

This afternoon the two damage suits of Tyndale Palmer and Joan (sic) Francisco de Freitas against the Free Press Printing Company, for \$50,000 each, was dismissed by stipulation. The papers were filed with Clerk of Court Thorne this afternoon by Attorney Thomas Hughes, represented the Free Press Printing Company in the action. The agreement was reached at a conference held early in the afternoon between Mr. Hughes and an Attorney Rockwood, of the Minneapolis law firm of Fletcher, Rockwood & Dawson, who are the plaintiffs' attorneys. Mr. Rockwood arrived in the city yesterday afternoon, and stated that he had not heard from his clients recently, and he wanted time to communicate with them, which would require much time. The defendant was ready and anxious for the case to go to trial, and an agreement was finally reached satisfactory to both sides.

The stipulation for dismissal provides that both sides shall pay their own cost, and the only costs which devolve on the defendant are its attorneys' fees. The filing of the stipulation papers dismisses the case.

Palmer is a Philadelphian who has handled some big deals as a promoter. Freitas is a hotelkeeper in Rio Janeiro, Brazil. In the fall of 1892 several hundred papers throughout the United States printed a certain dispatch from the United Press, or an item to the same effect sent out in the plates of the American Press Association. The story was that Palmer had gone to South America as the representative of the South America as a representative of the Welsbach Incandescent Light Company, and that while there had sold the patent rights of the company to a syndicate of Southern capitalists for \$550,000 and reported to his

employers that he had only received \$80,000, of which he received \$10,000 as commission, salary and expenses. Freitas was brought into the case as an assistant to Palmer's. Palmer and Freitas claim to be much injured by the dispatches, and several hundred suits were started, each for \$50,000 damages.

The Free Press published the item in its plate matter, supposing it to be reliable, but when informed of his in- correctness, made a full retraction. Some of the cases have been settled, others dismissed, and a few tried.¹⁸

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St. Cloud Daily Times
(December 1894)

Suit started.

SUED FOR \$100,000.

**Editor Macdonald, of St. Cloud,
Grows in International
Importance.**

CHARGED WITH LIBEL.

**Brazilian Hotelkeeper and
Philadelphia Broker Want
Big Booodle.**

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¹⁸ Mankato Daily Free Press, March 22, 1895, at 3. Two months later the Globe reported this story under the headline "Hunt Didn't Get Mulcted." *St. Paul Daily Globe*, May 23, 1895, at 3.

Special to the Globe.

St. Cloud, Minn., Sept. 28. — Tyndale Palmer, a Philadelphia broker, and J. Francesco de Freitas, a hotelkeeper of Rio Janiero. Brazil, through their attorney in this city, George W. Stewart, have begun suit against C. F. Macdonald, publisher and editor of the Daily Times, each asking \$50,000 damages for alleged libel. The publication for which Macdonald is now asked to go into his coffers consists of an article published in the Times on Oct. 3, 1892, in which Palmer and the Brazilian were accused of swindling the Aver Incandescent Light company out of \$440,000 in Brazil. The article was published along with other American Press association dispatches in several hundred papers throughout the country.¹⁹

Suit dismissed.

POOR TYNDALE PALMER

His \$12,000,000 Melting Away
Like Snow Under a Summer Sun.

The \$100,000 Suits Against the
Daily Times are Dismissed.

Tyndale is so Busy With the
Other 180 cases He Could not Attend.

The Court Thinks He Should
Have Fewer or Divide himself Up.

Something About the Present Raid
on American Journals

¹⁹ *St. Paul Daily Globe*, September 29, 1894, at 1.

**But, There is an Avenging Nemesis on the Trail —
Look Out Tyndale and Joao!**

It is an old saying that “\$1 saved is as good as \$2 earned.” If this be true then the Daily Times publisher is \$200,000 richer than he was on Monday. Yesterday we saved (?) \$50,000 by the dismissal, by Judge Searle, of the libel suit of Joao DeFreitas against us for that sum, and this morning we “scooped in” a second \$50,000 by the dismissal of the libel suit of Tyndale Palmer. As here is \$100,000 saved (?) is it as good as \$200,000 earned? We can’t see the “old saw” in that light.

As is known to our readers, Tyndale Palmer, an ex-broker of Philadelphia, and Joao DeFreitas, a hotel keeper of Rio Janerio, South America, some time ago brought suit against the Times for alleged libel, estimating their damages at \$50,000 each. (Hotel keepers come high in South America.)

The so-called libelous matter was in the form of a plate dispatch send out by the American Press Association October 2, 1892, and appeared in nearly every daily paper of enterprise in the United States, as it was scattered broadcast by the United Press Association. In brief, it was stated that Mr. Palmer went to Rio Janerio as an agent of an American incandescent light company, sold a patent for \$510,000, and only accounted to his company for \$80,000. Mr. De Freitas was his alleged partner in the transaction.

In the summer or fall of 1893, we were surprised to receive a letter from Mr. Palmer, dated at Philadelphia, stating that the Dispatch was untrue, asking us to communicate with him, and stating that he would require a retraction, coupled with pecuniary remuneration. To this and two or three subsequent demands, we paid no attention. We regarded it as a scheme to “bleed” us, and we have no surplus, either of gore or greenbacks. We learn from investigation that about 200 newspapers were receiving like demands. Of these, the *Washington Post* and *New York Recorder*, (all that we know of) made settlements, paying Palmer “a sum of money” (we do not know how much) rather than go to the expense of a suit. The Times publisher is far from a rich man, but he made up his mind that he would spend twice the amount that

he could have settled for, rather than be the victim of the men who are making this wholesale raid upon the newspapers of this country.

The plan of these fellows is to get some attorney in the city to which the paper to be proceeded against to take the cases on a “contingent fee,” the attorney paying the costs, conducting the case, getting a per centage of the amount which can be “squeezed” out of the publisher. It is not, evidently, the intention to try these cases, but to frighten papers into settlements, at from \$200-\$1,000 each. Editor Thompson, of the *St. Paul Dispatch*, who is also sued, as is the *Pioneer Press* and *Minneapolis Times*, told us recently that there was not an attorney in St. Paul who would take the cases, and Palmer secured a Minneapolis firm. In St. Cloud, several if not all attorneys received requests or feelers to as to handling the case against the Times. Geo. W. Stewart accepted, and is entitled to whatever *credit* (?) may attached to his conduct of the cases for the parties who made the colossal \$12,000,000 raid on American newspapers.

Just before the opening of the term of court, Attorney Stewart requested that the cases go over to the May term. To that we would not consent, as we were determined that these fellows would receive no courtesies from us, but should go to trial, if they dared. In our judgment they did not want to try their cases— their scheme is to force settlements.

Yesterday when the De Freitas case was called, Mr. Stewart entered a dismissal, saying that is client could not be present, but that he expected Palmer would be here this morning.

To-day at the opening of the court, when the case was called, Mr. Stewart asked that the case be continued until some subsequent time, as Mr. Palmer had so telegraphed him. His client had about 180 of these cases, and could not attend at this time.

Mr. D. T. Calhoun, the Times’ attorney, objected to any postponement. We are here ready for trial, and know of no reason why the plaintiff should not be present, he having full of knowledge of his own case. Mr. Calhoun further remarked that they were cases without merit; there was nothing in them anyway.

Mr. Stewart thought there might be merit in the case. This could only be determined by a trial.

Judge Searle, remarked with grim humor, that Palmer appeared to have too many cases. He should have fewer, or else be able to divide himself up, so as to be present at these the various hearings. If his attorney could show good reason for continuance, on account of his client's illness, or other sufficient cause, he would grant the motion, but unless it was stronger than Mr. Stuart's comments, he would dismiss the case.

Mr. Stewart said the he could only cover in an affidavit what he had stated to the court.

Judge Searle thereupon dismiss the action, and thus ended the attempt of Palmer and De Freitas to squeeze the Times publisher.²⁰

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ST. PAUL PIONEER PRESS (1895-1896)

On November 30, 1895, Tyndale Palmer's suit against the *Pioneer Press* resulted in what may have been one of the largest verdicts he was ever awarded. As reported in the *Globe*:

In the \$50,000 libel suit of Tyndale Palmer against the Pioneer Press company, the jury in Judge Kerr's court yesterday returned a verdict in favor of the plaintiff, giving him \$2,000 damages.²¹

²⁰ *St. Cloud Daily Times*, December 12, 1894, at 8.

²¹ *St. Paul Daily Globe*, December 1, 1895, at 4. For some reason the other metropolitan dailies did not cover Palmer's suit against the P. P. very closely. Earlier de Freitas's suit was dismissed. *St. Paul Daily Globe*, October 22, 1895, at 8 ("The libel suit of Jacob (sic) F. DeFreitas against the Pioneer Press was dismissed by Judge Brill yesterday, and a similar suit by Tyndale Palmer against the same defendant was continued. The suits originated out of a publication in connection with the sale of a patent right in South America.").

But it did not stand. Four months later Judge Charles D. Kerr granted the newspaper's motion for a new trial, as the *Globe* reported:

NEW TRIAL GRANTED.

**Pioneer Press Gets a Chance to Save
\$2,000.**

Judge Kerr yesterday filed an order granting a new trial in the suit of Tyndale Palmer against the Pioneer Press company. In a very brief memorandum, the court says that in addition to the reasons urged by the defendant's counsel, the motion is granted on account of an error made in instructing the jury that the plaintiff was entitled to exemplary damages in addition to general. Palmer secured a verdict for \$2,000 for libel against the defendant some time ago.²²

In December 1896, a year after the first trial, *Tyndale Palmer v. Pioneer Press* was retried. The jury returned a plaintiff's verdict: \$50. This time Palmer's lawyers moved for a new trial but Judge William Louis Kelly, to whom the case had been reassigned, denied it:

FIFTY IS THE LIMIT.

**Tyndale Palmer Will Have to Go
Higher for More.**

Judge Kelly filed a caustic memorandum yesterday, justifying his order denying a motion for a new trial of the libel suit of Tyndale Palmer or against the Pioneer Press company. Tyndale Palmer sued the paper for damages for printing among its United Press dispatches an account of some business enterprise, with

²² *St. Paul Daily Globe*, March 28, 1896, at 8.

which Palmer was accused of being identified. Palmer also brought similar actions against many other newspapers throughout the country that published the same item.

Upon the trial of this particular case before Judge Kelly and a Jury, last fall, the jury returned a verdict in favor of Palmer for \$50. Palmer, feeling aggrieved at what he regarded as the low estimate the jury entertained for his character, instructed his counsel, C. R. Rockwood, of Minneapolis, to ask for a new trial.

The motion was duly made, on the ground that the verdict was the result of passion or prejudice. Nearly every other conceivable ground was also alleged. Judge Kelly thinks the verdict should stand, and that \$50 is a sufficient amount for the damage done.²³

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Duluth Evening Herald
(1894-1895)

In October 1894 the *Duluth Evening Herald* reprinted a story first published in the *Minneapolis Journal* about sheer number of libel suits by Palmer and de Freitas against newspapers around the country. The *Journal* also included the solicitation letter sent to lawyers from John L. Dove, Jr., a Philadelphia lawyer coordinating the two men's multitude of libel lawsuits.

MILLIONS FOR LIBEL.

**The Palmer-Freitas Newspaper Raid In
Which The Herald is Attacked.**

Minneapolis Journal, Oct. 2: Tyndale Palmer wants \$6,250,000 damages for libel. Joas (sic) Francisco de Freitas wants the same. This is the story that crops out in connection with papers filed yesterday and today in the Hennepin county district court in the

²³ *Daily Globe*, April 3, 1897, at 2.

libel suits of Palmer and Freitas against the St. Paul Dispatch and the Pioneer Press. Fletcher, Rockwood & Dawson are the plaintiff's attorneys.

Palmer is a Philadelphian who has handled some big deals as a promoter. Freitas is a hotel keeper at Rio Janeiro, Brazil. The \$12,500,000 which the suits of these two gentlemen call for is demanded from 125 of the papers in the United States which in the fall of 1892 printed a certain dispatch from the United Press or an item to the same effect sent out in the plates of the American Press association. Each plaintiff wants \$50,000 from each paper.

The story was that Palmer had gone to South America as the representative of the South American Welsbach Incandescent Light company, and that while there had sold the patent rights of the company to a syndicate of Southern capitalists had of the company to a syndicate of Southern capitalists for \$440,000 and reported to his employers that he had only received \$80,000, of which he received \$10,000 as commission, salary and expenses. Freitas was brought into the case as an assistant of Palmer's.

Palmer is now living in Philadelphia and is out of business except that of attending to his suits against the newspapers. He claims to be much injured by the dispatches sent out over the United Press, so much that his former business was destroyed and his credit impaired.

One hundred and twenty-five suits have already been brought and more are to follow, as Palmer is going right down the list. In Minnesota, where retractions are published, it is not likely that suits will be pushed, as the laws of this state confine the verdict under such circumstances to the actual damages, thus involving a tedious and somewhat expensive legal contest. That the plaintiffs stand to lose very little, however, is shown by the fact that their cases are taken up by lawyers on the basis of a contingent fee, or in the legal slang, "on commission." The following circular received by a Minneapolis law firm will show how the attorneys are approached on the matter:

CONFIDENTIAL

Philadelphia, Sept. 1, 1894.— Sir: Very shortly I will be engaged to prosecute for libel all of the newspapers at your place, principally

the _____. My clients are both men of some caliber and financiers, the one of this country having a collegiate education, great ability, ripe and sound judgment. Our declaration will be printed; our evidence, largely from government officials is complete. Palmer has compiled a book of the law and citations applicable to the case. Accordingly, I have agreed to handle the matter upon the basis of a contingent fee. Should I desire to engage you as my representative, are there any professional, political or other reasons, producing such an affiliation on your part to the paper or papers mentioned, as to interfere with your performance of the office for me? If so, will you kindly volunteer, in confidence, suggestions as to the means to be adopted, the name or names of attorneys who could or could not fill the bill, your reasons for the opinion, etc.? Have the kindness to answer promptly and oblige.

Yours respectfully,

John L. Dove, Jr.

Similar circulars were received by a number of Duluth attorneys, but they declined to handle the case.²⁴

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²⁴ *Duluth Evening Herald*, October 4, 1894, at 3. *The Duluth Evening Herald* was sued by Palmer but it was dismissed. A newspaper report of the court's order has not been located.

The Amount Recovered by Tyndale Palmer and Jonas de Freitas

How much money did Tyndale Palmer and Joao Francisco de Freitas recover? In August 1897, almost five years after the libelous article was published, *The Slayton Gazette and Murray County Pioneer* reprinted the following from the *St. Paul Dispatch*, which in turn cited a survey from *The Fourth Estate*, a weekly journal for newspaper publishers:

Those enterprising citizens who make it a business of getting themselves libeled and following it with an action, might learn something from a statement made by The Fourth Estate, showing the amount sued for and the amounts recovered in the series of actions by Tyndale Palmer. Suits were brought against forty-six papers, aggregating \$2,100,000.00. He secured compromises amounting to \$5,100, which would not pay 50. per cent of his attorneys' fees, while the judgements he secured in cases tried ranged from 6 cents to \$150. The total collected from eleven cases tried was \$396.43¼, the fractional cent coming from a judgement, rendered against the Pittsburg Leader for the magnificent sum of 6¼ cts. - St Paul Dispatch.²⁵



²⁵ *Slayton Gazette and Murray County Pioneer*, August 12, 1897, at 5 (“The Fourth Estate”).

The figure was much larger according to Patrick C. File’s Ph.D. dissertation, *‘Bad’ News Travels Fast: The Telegraph, Syndicated Libel, and Conceptualizing Freedom of the Press, 1890-1910* (August 2013). The dissertation is copyrighted but accessible on the internet.

The Minnesota libel law in effect in 1892.

Stat. c. 66, Title 7, §4795, at 226 (1891).

Later codified as Stat. c. 66, §§5417-5418 at 1455-1456 (1894),

The first law regulating libel suits against newspapers was
1887 Laws, c. 191, at 308 (March 2, 1887).

SEC. 4795. Libel — Requirements before suit.— Before any suit shall be brought for the publication of a libel in any newspaper in this state, the aggrieved party shall, at least three days before filing or serving the complaint in such suit, serve notice on the publisher or publishers of said newspaper at their principal office of publication, specifying the statements in the said articles which he or they allege to be false and defamatory, if it shall appear, on the trial of said action, that the said article was published in good faith, that its falsity was due to mistake or misapprehension of the facts and that a full and fair retraction of any statement therein alleged to be erroneous was published in the next regular issue of such newspaper, or † in case of daily papers within three (3) days after such mistake or misapprehension was brought to the knowledge of such publisher or publishers, in as conspicuous a place and type in such newspaper as was the article complained of as libelous, then the plaintiff in such case shall recover only actual damages. Provided, however, that the provisions of this act shall not apply to the case of any libel against any candidate for a public office in this state, unless the retraction of the charge is made editorially in a conspicuous manner at least three days before the election, * in case such libelous article was published in a daily paper; and in case such libelous article was published in a weekly paper at least ten days before the election. *Provided*, that nothing in the provisions of this act shall be held to apply to any libel published of or concerning any female.

1887, ch. 191: "An act to regulate actions for libel," approved March 2, 1887, as amended 1889, ch. 131. Approved April 24th. Amendment inserted at †, "in case of daily papers," and added matter after *.

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For further reading:

None of the libel cases brought by Tyndale Palmer and Joao Francesco de Freitas in Minnesota were appealed to the Minnesota Supreme Court. What we know about these suits comes from newspaper reports.

One scholar has examined appellate court decisions in other jurisdictions in their cases: Patrick C. File's Ph.D. Dissertation, *'Bad' News Travels Fast: The Telegraph, Syndicated Libel, and Conceptualizing Freedom of the Press, 1890-1910* 108-132 (August 2013). Though copyrighted it is accessible on the internet.

Professor File's dissertation was revised and published in 2018 by the University of Massachusetts Press as *Bad News Travels Fast: The Telegraph, Libel, and Press Freedom in the Progressive Era*.

