

*LIBEL AND PRIVILEGE.*

One of the ablest and most lucid charges made to a jury on the subject of libel and the question of qualified privilege was that recently delivered by His Lordship Mr. Justice MacMahon at the last Toronto Assizes in an important libel action. His Lordship, during the course of an exhaustive address, thus dealt with the matter:

"This action is, as you are aware, gentlemen of the jury, brought by the plaintiff against these defendants, charging them with having defamed his character. Every man is entitled to have his reputation preserved inviolate and free from imputation. His character is his property, and as was said to you by counsel yesterday, it is in many cases the only property, the only possession that a man has, and he is entitled to have that free from assault by the libeller, just as much as he is entitled to have any other property free from the depredations of anyone who may choose to assail it. And a man's character is often of more moment to him, more valuable to him, than the possession of property. If a man loses his estate, with honesty, energy and attention he may, perhaps, recover his status in a very short time; if a man loses his character, it is sometimes very difficult to rehabilitate it. When something goes out and blasts his reputation, it may be very difficult for him to recover his position even after years of continued residence in the same locality. I am addressing these observations to you, gentlemen of the jury, for the purpose of pointing out the importance of the trial in which these parties are engaged, and the importance both to the plaintiff and to these defendants of your verdict.

Now, anything that is written which imputes to a man that he is dishonest or guilty of dishonest practices, or which asserts that he is accused or suspected of being guilty of any misconduct of that character, is libellous. I propose to read to you the petition signed by these defendants, and some of the passages in this petition I shall have to refer to hereafter, and deal with them separately.

It was within the right of the defendants, if the plaintiff