

was privileged, and therefore no action lay. But it may be remarked that Collins, M.R., points out, that the language used may be so defamatory, and so far in excess of the occasion, as to be evidence of malice, and shew that the publication to a clerk was not a use but an abuse of the privilege. Moulton, L.J., thus summarizes the law on this point: If a business communication is privileged, as being made on a privileged occasion, the privilege covers all incidents of the transmission and treatment of that communication which are in accordance with the reasonable and usual course of business.

PRACTICE—LIBEL—PLEADING—DEFENCE OF FAIR COMMENT—
PARTICULARS.

Digby v. Financial News (1907) 1 K.B. 502 was an action against a newspaper proprietor for libel, which arose out of the following circumstances. The plaintiff advertised for a partner with £250, to complete the formation of a syndicate. Carruthers, a correspondent of the defendants' paper, answered the advertisement and received certain papers in reference to the syndicate, which he afterwards forwarded to the defendants' paper, in which was published an article in a satirical verse commenting on the advertisement and the papers furnished by the plaintiff, as to the purpose for which the money was alleged to be required. This constituted the libel complained of. The defendants' pleaded that in so far as the words consist of statements of fact, the same are in their ordinary signification true in substance and, in fact, and as far as they consist of comment, they were a fair comment on a matter of public interest. The plaintiff claimed that this defence amounted to justification and applied for particulars as to whether the defendants alleged that any of the statements made in the particulars and documents furnished by the plaintiff were untrue, and if so, which of them. The defendants, on the other hand, contended that the defence was simply one of fair comment. The Master granted the plaintiff's application and his order was affirmed by Bucknill, J., but the Court of Appeal (Collins M.R. and Cozens-Hardy and Farwell, L.JJ.,) agreed that the order should not have been made and that the defence only amounted to one of fair comment and could not be regarded as one of justification.