

PREFACE.

This treatise on the law of criminal libel is intended to supplement the law of libel as a tort, as contained in the author's work on "The Law of Defamation," published four years ago. A liberal treatment of libel, in its dual character as a tort and as a crime, could not with advantage be embraced within the compass of a single volume. The related subject of libellous contempt, which might fitly form part of the book, is discussed in a volume now in the press concerning contempts of our Federal and Provincial Legislatures, their committees and members, and contempts committed by wrongful interference with the administration of justice.

The present treatise deals with the prosecution of libel by criminal information and indictment at common law and under the Criminal Code, but more particularly under the Code, which applies to the whole of Canada. It includes the substantive law and the law of procedure, the English and Canadian decisions in both divisions of the subject, some references to the law in the United States, and a running commentary on the legislation affecting libel as a criminal offence, and its judicial interpretation by the courts of this country. Special prominence is, for obvious reasons, given to the opinions of Canadian judges—preferably by quotations from their judgments, instead of by a bare citation of cases which necessarily entails further research.

The chapters relating to procedure will, it is believed, be found useful and instructive as to procedure in indictable offences generally, the provisions in the Code which govern procedure in prosecutions for libel exclusively being few in number. Where the Code is silent with respect to procedure in libel, as it often is, the ordinary procedure in prosecutions for indictable offences will prevail; and to this attention is given in the chapters referred to.

What is true of the articles of the Code concerning libel as a criminal offence, is equally true of the case law explaining or illustrating it; there is comparatively little bearing directly on the libel sections of the statute. In this extremity resort must be had to the civil law, which aids materially in the interpretation of the