

Perhaps the result stated by Lord Shaw in *Stubbs Ltd. v. Russell* (1913), A.C. at page 399, though discussing the proper principle for dealing with inuendo, may fairly be applied. It is that the inuendo "must represent what is the reasonable, natural, or necessary inference from the words used, regard being had to the occasion and the circumstances of their publication."

But it is always desirable if the plea of fair comment is to be properly understood and presented, that there should be a clear understanding as to the facts, which, in the defence of fair comment as now pleaded, are referred to as being true in substance and in fact.

Comment upon what some one else has said, accepted as true, and comment upon certain facts alleged to be true raise different considerations when regarded in connection with a plea of fair comment.

Is the newspaper in the first case bound to shew the truth of what someone else has said and on which the comment is made, or is it entitled to urge that if it has truly set out what that other person did say, comment upon it may be made without responsibility for its truth if done honestly? The question does not seem to have been dealt with except by Phillimore, J., in *Mangena v. Wright*, 1909, 2 K.B. 958. That learned Judge gives his opinion in this way (p. 976): "When there is one published document in which the writer partly alleges and partly comments, and of which the sum total is defamatory, the document cannot be justified unless the facts are true and the comment fair; because if the facts do not warrant defamatory comment, the comment is not fair, and if the facts as alleged warrant defamatory comment they are defamatory and must be proved to be true. But when one person alleges and another comments, this reason does not apply." He then cites instances such as a newspaper quoting and commenting on something derogatory to an individual contained in the judgment of a Judge, but which is in fact unfounded.