

too, the occupations of these victims were artfully changed; but there was no hiding their identity, even from one who, like the present writer, had only a brief knowledge of this country hamlet and its inhabitants. It appears that one of the persons thus pilloried went so far as to consult his lawyer, but from lack of means or for some other reason he never brought an action. It would have been an interesting suit, and—strange as it may seem—by no means hopeless from the plaintiff's point of view. Actions for libel have been prosecuted to a successful conclusion although the plaintiff was not mentioned by name—nay, even where he was given a new name in a mere work of fiction.

THE QUESTION IS NOT WHO IS MEANT? BUT WHO IS HIT?

In his *Law of Libel and Slander* (4th ed., p. 13), Sir Hugh Fraser writes: "Where the plaintiff alleges that he is the person referred to as the villain in a book or a story which purports to be a work of fiction, it seems that he must prove (1) that the author meant to refer to him, and (2) that the work was so written that those knowing the plaintiff would reasonably infer that he was intended." He cites in illustration *Pinnock v. Chapman & Hall Ltd.* (Times Newsp., Dec. 9 & 10, 1891) and says that the law was laid down in similar terms by Kennedy, J., in *Godfrey v. Bedford & Richards*, Winchester Summer Assizes, 1901.

In the first of the cases above referred to, the plaintiff, who had been for many years on the West Coast of Africa, came to live in England. The defendants published a novel in which the leading and most disreputable character was shown, to the satisfaction of the jury, to be the plaintiff under another name. They awarded a substantial sum in damages. The practitioner who is asked to advise as to the prospect of success in an action for libel should remember the celebrated *dictum* of Lord Loreburn, in *Jones v. Halton* (1910) A.C. 20: "The question is not who is meant? but who is hit?" A novelist may say, on oath, "I meant to pillory no one" but if 10 good men and true come forward and say "We know he hit the plaintiff" and the jury are of the same opinion, a legal injury has been committed for which the novelist must pay damages. Although no remedy by action was sought