

CANADIAN NOTES.

OF CRIMINAL LIBELS.

Sec. 1.—Preliminary.

As to Blasphemous Publications.—See p. 400a.

As to Sedition.—See p. 316a.

As to Indecent Publications and Exhibitions.—See p. 1883a.

As to Interference with the Administration of Justice.—See p. 554a.

Sec. 2.—Defamatory Libel.

Defamatory Libel, Definition of.—Code sec. 317.

Publishing Defined.—Code sec. 318.

Newspaper Defined.—Code sec. 222.

Newspaper Proprietor's Responsibility Presumed.—Code sec. 329.

Evidence.—It must be proved that the defendant was proprietor or publisher of the journal at the time of the publication of the libel. *R. v. Sellars*, 6 Montreal Legal News 197.

When the accused in a case of defamatory libel in a newspaper resorts to the defence allowed by Code sec. 329 that the publication of the libel was made without his knowledge, the Crown may prove the publication of former libels of a similar character by the same editor, in order to establish the liability of the accused resulting by the terms of article 329 from his continuing to retain this editor in the conduct of the newspaper. *R. v. Molleur* (No. 1) (1905), 12 Can. Cr. Cas. 8.

Sec. 3.—Trial.

Place of Trial.—Code sec. 888.

In order to obtain a change of venue in a prosecution for defamatory libel such facts must be shewn as will satisfy the Court that a fair trial cannot be had at the present venue, and it is not sufficient that the applicant's solicitor swears to a belief that a fair trial is impossible there because of the prosecutor's interest in political affairs. The fact that two abortive trials of the cause have already taken place at both of which the jury disagreed, is not of itself a ground for ordering a change of venue. *R. v. Nicol* (1900), 4 Can. Cr. Cas. 1 (B.C.).

General Verdict of Not Guilty.—Code sec. 956.

This section originated in the English Act of 1792, 32 Geo. III. ch.