

ant's attack. For the reasons given in *O'Donoghue v. Hussey*, Ir. R. 5 C. L. 124 (considered and distinguished in *Murphy v. Halpin*, Ir. R. 8 C. L. 127), *Laughton v. Bishop of Sodor and Man*, L. R. 4 P. C. 504, and *Downey v. Stirton*, 1 O. L. R. 86, it seems that where statements have been made by a plaintiff himself (such as are alleged in these paragraphs and in the circumstances therein stated) attacking a defendant, the latter may give these as evidence in reduction of damages. In that view, they must be allowed to stand.

It may be open to plaintiff to reply that, if he made any attack on the defendant, it was in consequence of what had previously appeared in the newspaper of which the defendant is the managing editor. But that does not come into consideration on this motion.

I have not overlooked the case cited by Mr. Hellmuth of *Wernher Beit & Co. v. Markham*, 18 Times L. R. 143, and in the House of Lords, *ib.* 763. Counsel suggested that the whole of the paragraphs now attacked should be stricken out under that decision. To this I accede, so far as to hold, as I did before, that the trial must be confined to those accusations of which plaintiff complains, and that his whole conduct for years past cannot be scrutinised and called in question. Otherwise all that would be necessary for any one who wished to attack another, whether in a public position or not, would be to make a general sweeping charge of wrong-doing, coupled with one or two specific instances, and then, when proceeded against for those one or two, to set out particulars of as many as he could discover or invent. It was said in answer that an article or a speech must be looked at as a whole. This is true. But what is meant thereby is that defendant can shew in this way that the plaintiff was not really hurt. It cannot mean that, if a man is accused of 20 acts of wrong-doing, he will not be allowed to proceed against the libeller for one or two of these accusations, unless he will defend himself against all. Still less can he be debarred from calling for proof of two alleged acts of wrong-doing, unless he is prepared to defend himself also against all the accusations in respect of his previous life which may be brought up by the alleged libeller to prove a general charge of neglect of duty and a breach of every moral obligation.