

ment from being libel, Crompton, J. (p. 778), says: "it is always to be left to the jury to say whether the publication has gone beyond the limits of fair comment on the subject-matter discussed." And Blackburn, J., at page 780, points out that the question of libel "or no libel, at least since Fox's Act, is for the jury, and in the present case, as the article published by the defendants obviously imputed base and sordid motives to the plaintiff, that question depended upon another—whether the article exceeded the limits of a fair and proper comment on the plaintiff's prospectus; and this question was therefore rightly left to the jury."

In 1874 in *Steel v. Licensed Victuallers Association*, 22 W.R. 553, the Court, in dealing with a newspaper report of proceedings before a magistrate, laid it down that in cases of libel, "the meaning of the words used, the fairness of the report, and the meaning of comments added by a reporter, are questions entirely for a jury to decide and should not be hastily withdrawn from the jury."

In more recent times this rule has been adhered to. In *Dakhyl v. Labouchere* (*ante*), Lord Loreburn, L.C., thus states it, at page 326: "The defendant is entitled to have the jury's decision as to the plea of fair comment, whether or not, in all circumstances proved, the libel went beyond a fair comment on the plaintiff and on the system of medical enterprise, treated by the defendant honestly and without malice."

There are, it is true, conflicting opinions, if indeed they can be properly so described, on what is the proper point of view for a jury which are referred to in *The Homing Pigeon Publishing Co. Limited v. The Racing Pigeon Publishing Co. Ltd.* (1913), 29 T.L.R. 398. These will be found discussed in *Lefroy v. Burnside* (1879), L.R. Ir. 4 C.L. 556; *Hunt v. The Star Newspaper Co. Ltd.* (1908), 2 K.B. 309; *Brown v. Elder* (1888), 27 N.B.R. 465, and *Douglas v. Stephenson* (1898) 29 O.R. 616, 26 A.R. 26, and date back to the time of Lord Chief Justice Cockburn. See *Risk v. Johnstone* (1868), 18 L.T. 615.