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THE PRESS AND THE LAW OF LIBEL.

In the case of Armstrong and others *v.* Armit and others, the Lord Chief Justice and Mr. Justice Denman, sitting in banc, gave judgment on a point of considerable interest to newspaper writers and newspaper readers. The question involved was simple enough. Would the court grant an interim injunction to restrain the defendants in a libel action, from further publishing libelous matter to the prejudice of the plaintiffs, while the hearing of the original libel action was pending? The dispute between the parties arose from the publication in a weekly paper called the *Admiralty and Horse Guards Gazette*, of an alleged false and malicious libel contained in an article reflecting upon Sir William Armstrong, Captain Noble, W. G. Armstrong and Mitchell and Co. The article, if not protected by the publishers' ability to prove that its publication was in the interest of the public, and so privileged, was doubtless a most uncompromising and offensive libel. As described by the plaintiffs' counsel, its object was "to convey that the plaintiffs either were, or at some time had been, members of a ring having for its object the acquisition of public contracts for the manufacture of ordnance, and had effected, or were endeavoring to effect their object, by means of dishonest practices, and by oppression, corruption and other discreditable means." This was the question for the jury to decide; meantime the plaintiffs sought to restrain any further comments on, or reiterations of the accusation by the defendants.

Lord Coleridge is never more happy in his judicial decisions than when he has to decide some point of public interest. Ever since Lord Mansfield's famous judgments, the public has considered that it has a right to look to the Chief Justice of England, for statements of the law on popular subjects which shall be both intelligible and authoritative. In the present case, though Lord Coleridge did not reserve judgment in order to present the court with a finished legal essay, as in the case of cannibalism a year or two ago, he yet contrived in the course of his decision to put the existing state of the law, and the policy to be pursued by the courts, clearly and well. He began by stating the extreme importance of the particular issue; how it was "a matter, if there be any in the world, of public interest," and how, if the alleged libel were true, "the person who exposed such a system and such a mischief would do a great public service." He continued: "I cannot for a moment hesitate in saying that the subject-matter which constitutes the writing is a privileged communication. It is to the interest of the whole country that the selection of our chief weapon of defence should be made by indifferent and disinterested persons." After pointing out that this privilege must not be made "the cloak of private malice," he shows that since "the subject and the occasion are privileged," the "onus is on the plaintiff to show that the privilege has been exceeded." In other words, the duty and right of a newspaper to expose any public scandal or misdeed is explicitly recognized by the law, and when such exposure has taken place, it is for the aggrieved party, if he can, to rebut the presumption of privilege. Such a statement of the law of libel as that contained in the Lord Chief Justice's judgment makes, of course, no change in the law, and only expresses a well known principle. Still, the public, which is very fond of law, but yet never looks at a text book, will feel pleased at this re-statement of the law in the only form which it really believes in—the dictum of a judge reported in a newspaper. To a lawyer, the chief point of interest is to be found in the fact that the court, following the decision in the case of The Quartz Mining Company *v.* Beal, 20 Ch. Div. 501 refused to grant the interim injunction.

The courts are sometimes inclined to be too much influenced by such fears as that juries will be affected in case of pending actions by comments in the newspapers. It is therefore particularly satisfactory that in the present case the Queen's Bench Division has refused to make a precedent for stopping a newspaper, on any side issue, from (ac-