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THE INTENT IN LIBEL.

1. Intent of the publication in libel—Its threefold distinction.
2. When a question for the jury in civil cases.
3. The maxim that every one intends the natural consequences of his act—*Mens rea*.
4. Distinction between intention and motive.
5. Motive and intention discussed.
6. "Malice" and "malicious" as applied to libel.
7. The term "maliciously": (Per Russell, C.J.).
8. Objections to the term "malicious."
9. The law as settled.
10. Legal relations of malice and privilege.
11. The rule of law and its exceptions.
12. Non-user of "malice" and "malicious" in libel sections of the Code.
13. General rule applicable to indictable offences.
14. Intent inferred from the nature of the publication.
15. What is meant by the charge of malice—The legal presumption and its effect.
16. The presumption against newspaper proprietors and how it may be met.

1. Intent of the publication in libel—Its threefold distinction.

One of the principal distinctions between civil and criminal liability for libel consists in the intention of the publication.

This intention, in reference to both kinds of liability, is said to be capable of a threefold distinction. The publisher may (1) be actuated by a malignant intention to effect the particular mischief to which the means which he uses tend; or, (2) his object may be benevolent and laudable; or, (3) he may be indifferent as to consequences, and act purely from some collateral motive. But mere intention in the abstract, and without reference to circumstances which supply a justification recognized by the law, cannot supply a test of exemption from criminal, any more