venue where he thinks proper; and when he has not exercised a capricious choice, it is to be considered that he has exercised a right, and it lays on the defendant to show that the preponderance of convenience is in favour of trying the case where the cause of action arose, rather than at the place where the plaintiff has laid the venue.*—*Law Journal.*

THE LEGAL IMMUNITY OF LIBELLERS AND IMPOSTORS.

The recent scandal which has ended so disastrously for one of the most eminent and respected members of the Bar, draws attention to the present position of the law of libel, which it seems to us is not so satisfactory as it might be. In the first place the old saying, "the greater the truth the greater the libel," would appear to have been based upon a most just estimate of human character. A great truth may prove to be maliciously defamatory in the very highest sense of the term; the truth may be one which concerns only the persons implicated; it may be spoken or published to gratify private animosity of the most detestable kind. How then does the law say that it shall be dealt with? Putting aside the civil action to which a plea of the truth of the libel is a complete defence, the 6 & 7 Vict., c. 96, s. 6 enacts that, on the trial of any indictment or information for a defamatory libel, the defendant having pleaded such a plea as thereinafter mentioned—that is to say, a plea of justification on the ground of the truth of the libel, and that it was for the public interest that it should be published—the truth of the matters charged may be inquired into, but the plea shall not amount to a defence, unless it was for the public benefit that the matter should be published.

Now upon this statute this condition of things appears. A person actuated by the worst motives may publish the most gross and scandalous libels, and may add to his iniquity by pleading in justification that they are true. And these libels are to be inquired into; the torture of public inquiry, which means the investigation of private character before the domestic forum of every household in the kingdom by means of the public press, is to be endured, with what results, whether to the innocent or the guilty, we have lately seen. It would be difficult for the most upright amongst us to stand a searching public examination into our lives, such an examination being conducted by a malignant and utterly unscrupulous enemy. Therefore it strikes us as a mistake in the enactment referred to to say that the matter shall be inquired into, and that subsequently, when all the torture of a preliminary inquiry has been endured, and private character made the sport of a coward, then the law shall say whether the truth, if proved, shall amount to a defence, by applying the test whether the publication was for the public benefit. Why not provide that at the very outset a libeller shall prove to the satisfaction of a magistrate that it is for the public benefit that the libel was published? If there had been such an enactment on the statute book could Chaffers have enjoyed for so many days his detestable notoriety? On the contrary he would now have been undergoing the punishment which he so richly deserves.

But we pursue the same lenient course towards all persons who can establish even a presumption of legal right. Our Continental critics laugh at us for permittting the Tichborne claimant to make the possessions of an ancient family and a lady's fair fame the sport of an audacious and villainous ambition. Why, they ask, did not the Attorney-General, as the only public prosecutor we have, at once fix upon some point and break the neck of an imposture, and consign the claimant to the police? We can reply that had such a course been attempted, the Attorney-General would have been hounded down by the lovers of "fair play," for at the present time there are advocates in the Press who wish that the case "had been tried out." And had such a course been possible, the difficulties in the way would have been very considerable—difficulties which would not be encountered in adopting our suggestion as to libel. We reach the height of absurdity when we not only do not compel a libeller to justify at the outset, but furnish him with a statutory form for defaming private character.

We have seen it suggested that we should establish courts of preliminary inquiry, but although we approve of the suggestion we very much doubt whether our reverence for the liberty of the subject would allow us to carry it into effect. We now simply deter sham and vexatious actions by compelling security for costs or remitting to County Courts, but this does not prevent trials coming to the surface which ought to have been suppressed at the earliest stage of their career. We admit, however, the difficulties which would attend the attempt to control cases of the Tichborne type, but as regards libels we think the course is plain and simple. We ought at once to adopt measures to stop the foul mouth of the traducer before he makes a public court the vehicle of his calumnies, and if some such steps as we have indicated are not taken, there is no member of society who, is not subject to the caprice of any villain who can, or who thinks he can, hit a blot in his or her character, and who can bring upon his victim life-long ruin and misery. Cases such as those of Sir Travers Twiss ought not to pass with out leaving a lesson in legislation as well as in morality.—*Law Times.*

* The practice as laid down by Mr. Dalton in Chambers, in this country gives prominence to the question as to where the cause of action arose, as will be seen by a note of his decision in *Harper* v. *Smith*, *ante* p. 67.—Eds. L. J.