The law contains only one definition, that of libel, as follows:—

285. A defamatory libel is matter published without legal justification or excuse, likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or designed to insult the person of whom it is published.

(2) Such matter may be expressed either in words legibly marked upon any substance whatever, or by any object signifying such matter otherwise than by words, and may be expressed either directly or by insinuation or irony.

There was little discussion in committee on any clause of the bill except the following on 285.

Mr. DAVIN.—I would like to call the attention of the Minister of Justice to the length to which this section goes in defining a defamatory libel. I am aware that there are decisions that would justify making "irony" or "insinuations" libellous, but I am inclined to think that very great injustice might sometimes be done if we were to place in the statute this definition of libel. Suppose an ironical article, a skit we will say, is written in a newspaper, and an indictment is laid, and the judge does what I actually have seen a judge do; simply reads the law to the jury and says, that is the law; then any jury having this definition of libel placed before it would bring in a verdict against the accused, although from the point of view of practical life, and the efficiency of journalism even, the verdict would be an outrageous one. I can easily understand an insinuating article or an ironical article being so written that it would be libellous, and then it would be for the judge to explain the matter to the jury. There are cases where an ironical article has been held to be libellous. For instance, *Grip* which is a powerful and very useful element in our political and social life; *Grip*, every week of his life is guilty of libel within this section

Mr. LAURIER.—I do not think he is. *Grip* does not want to insult, and that is the element of the libel. He is ironical but not insulting.

Mr. DAVIN.—I am afraid that this section is drawing the loop too closely altogether around the neck of the journalists. In fact, it provides too many loops into which the journalist may obtrude his head, and I do not want to have him conduct his very important business—

Mr. FRASER.—You are out of journalism now, and you need not care.

Mr. DAVIN.—I am out of it, but that is all the more reason why I should take an interest in that portion of the community to which I did belong.

Sir JOHN THOMPSON.—I think there can be no doubt that this is an exact interpretation of the present law, and I am sure that the hon. gentleman will realize that it will not be less subject to interpretation, and less subject to proper administration in practice, than the common law is now, notwithstanding that it is embodied in the form of a statute. All these provisions of the statute which merely state the common law are interpreted as making no new law, but as mere statements of the existing law, and are interpreted as if they formed part of the dicision of the courts. I think that my hon. friend is mistaken in assuming that the definition makes irony libel. It merely embodies the principle that an ironical statement may be a libel, and so it may. But in order to be so, it must be ironical matter published without legal justification or excuse, and likely to injure the reputation of a person and expose him to hatred, contempt and ridicule. Then, notwithstanding that it may be satirical and likely to create public humour, it is libellous nevertheless. If the hon. gentleman will glance at the other clauses he will find how well the statutory provisions as well as the common law protect *bona fide* journalism. For example, their are the various sections about fair reports, and so on, and then we come down to fair discussion under sections 292, 293, 294, 295 and 296. I think all these sections supply what the common law demands.

Mr. LAURIER.—Mr. Chairman, although I did not agree altogether with my hon. friend from Assiniboia (Mr. Davin) in the application which he gave of the principle which he laid down so far as *Grip* is concerned, because in the production of *Grip* the element of malice is absent, and that is what makes the libel, yet it seems to me that this definition goes altogether too far. I do not dispute the statement made by the Minister of Justice that it may be a fair exposition of what the common law is, but if you take it from the common law and incorporate it in the statute it ceases to be the common law and becomes statutory law, and is deprived of the element of elasticity which is so useful in the common law. I have already impressed the objection on the Minister that many of these definitions had better be left to the common law rather than be incorporated in the Statute-book. In this case if you include irony as the constituent part of libel, I fear that many a man might be perhaps subject to prosecution who had no intention of injuring his neighbor but of simply creating a little merriment at the expense of somebody. That would be an indictable offence, and the line would be very sharply drawn on account of this definition. I believe it should be left to the jury to say whether the defendant intended to wound the feelings or simply to create a little amusement.

Mr. CHAPLEAU.—Irony is not a libel in itself, but you may commit a libel by irony. You may commit a very serious libel by writing in an ironical way.

Mr. LAURIER.—Nothing is libellous here except with regard to the intention in which it is done. Irony becomes a libel if it produces a certain effect.