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NEWSPAPER LIBELS—FAIR COMMENT.

Fair comment is the only appropriate defence in the vast majority of newspaper libel cases. Such a defence can only fail if the jury think that what is complained of is a comment or statement of opinion not reasonably to be inferred from the truly stated facts. But it is not a plea of justification as that term is understood in libel cases, and the issue raised by it is completely different. If the trial Judge leaves it to the jury, that does not turn it into a plea of justification but presents the question merely as one either of libel or, if justified, fair comment, the latter being no libel. Lopes, L.J., in *South Hilton Coal Co. v. North Eastern News Association*, 1894, 1 K.B. 133, says at page 140: "This defence raises no question of privilege. The defence in such a case is that the words are not defamatory, that a fair and proper comment is no libel."

This is evident from an examination of the meaning of each plea. The ordinary plea of justification is that the libel, where there is no inuendo suggested, is true as published, or if there be an inuendo that it is true as interpreted thereby. The statement that, under a plea of justification, the defendants must justify every possible sinister inference to be drawn from the words used is, of course, to be limited to cases where there is no inuendo to define the sense in which the published words are offensive to the plaintiff; for there the plaintiff is bound by his paraphrase, and the defendant need not do more than justify to that extent.

But a plea of fair comment means that the origin of the words used which are complained of is to be found in some matter of public interest which it is therefore proper to discuss.