tiphed and strengthened by the Act of last session. If, prior to that Act, a libellous article, or a libellous news item or telegraphic despatch, sent through a news agency or derived from any other source, had been copied by one newspaper from another, or had appeared simultaneously in a number of newspapers, a publisher sued for the libel, however innocent of actual malice, could not give evidence that the party libelled had already (1) brought an action; (2) recovered damages; (3) received compensation, or (4) agreed to receive compensation, for the libel from any one or more of the other offenders. Such evidence was held to be immaterial and irrelevant, and, therefore, madmissible. This anomalous procedure has been swept away by the new Act.

Section 4. This section limits the time within which an action may be brought for a libel contained in a newspaper. It enacts that "every action for libel contained in a newpaper shall be commenced within three months after the publication complained of has come to the notice or knowledge of the person defamed. But where an action is brought and is maintainable for any libel published within said period of three months, such action may include a claim or claims for any other libel or libels published against the plaintiff or plaintiffs by the defendant, in the same newspaper, within the period of one year prior to the commencement of the action."

What does this mean? Does it mean direct personal notice or knowledge, e.g., by reading the libel, or hearing it read, or does it mean such other notice or knowledge as will put the person defamed upon enquiry, e.g., a written or verbal communication informing him of the publication of the libel. Any notice or knowledge, direct or indirect, which will give the party to understand that there has been a defamatory publication concerning him in the newspaper, would, we should say, be sufficient. Otherwise the person defamed, by simply avoiding direct personal notice or knowledge, might extend the period of limitation indefinitely. The statutory period for bringing the action will commence to run from the time when the notice or knowledge was first received, and, if the statute be pleaded in bar of the action, the plaintiff would have to prove when he became aware of the fact, and that his writ was issued within three months afterwards. If, in the Duke of Brunswick's case, such a provision as section 4 of our new statute had been in force in England at that time, the plaintiff could not have slept on his rights for seventeen years, and then have revived them by the simple purchase of a copy of the paper from the publisher. He would have been obliged to sue within three months after he knew of the publication complained of; otherwise his right of action would have been lost.

The second clause, or rather sentence, of this section—because it is not printed distinctively as a clause, and might better have been inserted as a proviso—was added on the second reading of the bill. It is evidently intended to restrict the benefits otherwise conferred by the first clause upon any newspaper which has been libelling the complainant by other defamatory publications in its columns within a year prior to the lawful commencement of an action for any particular libel in that newspaper. A newspaper which has been so engaged in assailing any person may be compelled, under this clause, to answer for all the defamatory matter which it has published concerning him within a year prior to action brought. This is a very proper provision, especially in the case of a deliberate defamer of character and reputation. The professional libeller is the bane of the newspaper press, and should receive no quarter.

Section 5 of the Act contains two very important and valuable amendments. The first is with respect to the consolidation of different actions for the same libel. The second is as to the assessment of damages, and the apportionment of costs, in such cases. These may be considered separately. Sub-section one, which relates to consolidation, is as follows:

"It shall be competent for a judge of the High Court of Justice upon an application by or on behalf of two or more defendants, in any actions for the same or substantially the same libel, brought by one and the same person, to make an order for the consolidation of such actions, so that they shall be tried together; and after such order has been made, and before the trial of the said actions, the defendants, in any new actions instituted in respect to the same, or substantially the same, libel, shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated."

This is a real boon to the newspapers. It is taken from the English Law of Libel Amendment Act, 1888 (a), and was intended to prevent a series of separate actions being brought against different newspaper publishers for the same, or substantially the same, libel, and excessive damages being recovered against each.

In the well-known suits of Beaton v. The Globe Printing Co. and a number of other actions by the same plaintiff against other newspapers for substantially the same libel, an application was made by the defendants to Robertson, J., and granted, for consolidation of the actions under section 5.

When the actions have been consolidated and are being tried together, sub section 2 of section 5 provides for the mode of assessing the damages and apportioning the costs. It enacts that

"In a consolidated action under this section the jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately, and if the jury shall have found a verdict against the defendant or defendants, in more than one of the actions so consolidated, they shall proceed to apportion the amount of damages which they shall have so found between and against the said last-mentioned defendants; and the Judge at the trial, in the event of the plaintiff being awarded the costs of the action, shall thereupon make such order as he shall deem just for the apportionment of such costs between and against such defendants."

This sub-section imposes a double duty: Firstly, the jury have to determine (1) who of the defendants, if any, are liable for damages; (2) the total amount of such damages; and (3) the share or proportion of the sum total which each defendant should bear; and Secondly, the Judge must determine (1) whether any costs should be awarded; and (2), if so, the share or proportion which should be payable by each defendant. For the purpose of fixing the quantum of damages the several actions are treated as one, and a certain sum is named by the jury as the full amount to which the plaintiff is entitled. But for all other purposes the actions are regarded as distinct, and each action must be considered and determined on its individual merits. This necessitates a separate verdict as to each; and,