

**THE LAW OF LIBEL AS
AFFECTING NEWSPAPERS
AND JOURNALISTS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649156689

The law of libel as affecting newspapers and journalists by W. Valentine Ball

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

W. VALENTINE BALL

**THE LAW OF LIBEL AS
AFFECTING NEWSPAPERS
AND JOURNALISTS**

inst
877K

THE
LAW OF LIBEL

AS AFFECTING
NEWSPAPERS AND JOURNALISTS.

W. Va.
BY
W. VALENTINE BALL, M.A. (CANTAB.)
OF LINCOLN'S INN AND THE NORTH EASTERN CIRCUIT
BARRISTER-AT-LAW.

500/51
11-1-31

LONDON:
STEVENS AND SONS, LIMITED,
119 & 120, CHANCERY LANE,
Law Publishers.
1912.

PREFACE

IN the early summer of the present year, the author was invited by the Faculty of Laws of the University of London to deliver a course of five lectures on the law of libel at the Institute of Journalists. By the kind permission of the University, he has been allowed to publish these lectures. Inasmuch as they were prepared for practical men, it is hoped that their reproduction will be of value in the office of every newspaper. The fact that the text was the subject of oral delivery to a lay audience may serve to account for a certain freedom of expression, and for certain fanciful illustrations which are not usually found in a law book. Special care has been taken to make the index as complete and exhaustive as possible.

A part of the work is devoted to the metes and bounds of Criticism, the art of Law Reporting, and to the rules which should be observed by him who reports the proceedings of public meetings. Certain suggested reforms of the law of libel as it affects newspapers are dealt with at pp. 125-128.

With regard to the authorities cited, the author has been compelled, owing to limitations of space, to select but a few from among the vast number which appear in the law reports. He has endeavoured, however, to select cases of unquestioned authority in which

the judges have enunciated principles of a general character.

Although primarily intended for the newspaper and the journalist, it is hoped that the work may also prove useful to the lawyer.

W. VALENTINE BALL.

September, 1912.

CONTENTS

CHAPTER	PAGE
I. WHAT CONSTITUTES A LIBEL	1
II. CONSTRUCTION OF LIBELS; AND HEREIN OF JUSTIFICATION, FAIR COMMENT, AND FAIR CRITICISM . . .	26
III. PRIVILEGE: PRACTICAL HINTS ON LAW REPORTING . . .	69
IV. REPORTS OF PARLIAMENTARY DEBATES AND OF PUBLIC MEETINGS: AND STATUTORY PROTECTION OF NEWSPAPERS	103
V. CRIMINAL LAW OF LIBEL	130

TABLE OF CASES

	PAGE
ALEXANDER <i>v.</i> North-Eastern Railway Company (1865), 7 B. & S. 340; 34 L. J. Q. B. 152; 18 L. T. 738; 11 Jur. (N. S.) 619; 13 W. R. 651	45
Allen <i>v.</i> Flood (1897), 67 L. J. Q. B. 119; A. C. 1; 77 L. T. 717; 62 J. P. 595; 46 W. R. 258; 14 T. L. R. 125	15
Apthorpe <i>v.</i> Neville & Co. (1907), 23 T. L. R. 375	24
Archbold <i>v.</i> Sweet (1832), Moo. & Rob. 162	4
Arne <i>v.</i> Johnson (1795), 10 Mod. 111	29
Australian Newspaper Co. <i>v.</i> Bennett, [1894] A. C. 284; 63 L. J. P. C. 105; 70 L. T. 597; 58 J. P. 604; 6 R. 484	8
BARROW <i>v.</i> Lewellin (1615), Hob. 62	18
Beatty <i>v.</i> Gillbanks (1882), 9 Q. B. D. 308; 51 L. J. M. C. 117; 31 W. R. 375; 47 L. T. 194; 46 J. P. 789; 15 Cox. C. C. 138	117
Beswick <i>v.</i> Smith (1907), 24 T. L. R. 169	31
Boal <i>v.</i> Scottish Catholic Printing Co., Ltd., [1907] S. C. 1120	31
Boydell <i>v.</i> Jones (1838), 4 M. & W. 446; 7 Dowl. (N. S.) 210; 1 Horn. & H. 408	28
Brookes <i>v.</i> Tichborne (1850), 5 Ex. 929; 14 Jur. 1122	4
Broom <i>v.</i> Ritchie (1905), 6 F. 942	12
CAMPBELL & Hay <i>v.</i> Ritchie & Co., [1907] S. C. 1097	28
Campbell <i>v.</i> Spottiswoode (1863), 3 B. & S. 769; 32 L. J. Q. B. 185; 8 L. T. 201; 9 Jur. (N. S.) 1069; 11 W. R. 569	55
Capital & Counties Bank <i>v.</i> Henty (1882), 7 A. C. 741; (1880), 5 C. P. D. 514; 49 L. J. Q. B. 830; 43 L. T. 651; 45 J. P. 188; 28 W. R. 851; on app. 7 A. C. 741	3, 29
Chaloner <i>v.</i> Lapsdown and Sons (1894), 10 T. L. R. 290	116
Clement <i>v.</i> Lewis (1882), 7 Moo. 200; 3 Brood. & Bing. 297; 10 Price 181	93
Concavis <i>v.</i> Duncan, [1909] W. N. 51	14
Cook <i>v.</i> Ward (1830), 6 Bing. 409; 4 Moo. & P. 99; 8 L. J. (O. S.) C. P. 126	32
Crosland <i>v.</i> Farrow & Skeffington (1905), <i>Times</i> , Feb. 7	57
DAKHYE <i>v.</i> Labouchere (1907), 2 L. B. 325; 77 L. J. Q. B. 728; 96 L. T. 339; 23 T. L. R. 364	65
Davis <i>v.</i> Shepstone (1886), 11 A. C. 187; 55 L. J. P. C. 51; 55 L. T. 1; 50 J. P. 709; 34 W. R. 722	53