

weaknesses, the same may be said of Mr. Justice Best. But the case itself is a recognised authority and has been followed within the last few years. It is quoted—*e. g.* in Mr. Odgers' late work on the law of libel. Mr. Odgers says, in enumerating the exceptions to the rule, that the publication of proceedings in Courts of law is privileged. The 'second' exception is 'Where the subject-matter of the trial is an obscene or blasphemous libel, or where, for any other reason, the proceedings are unfit for publication. It is not justifiable to publish even a fair and accurate report of such proceedings, for such report may itself be indictable as a criminal libel.' And he quotes *Rex v. Mary Carlile*, and the two late cases of *Regina v. Hicklen*, 37 Law J. Rep. M. C. 89; L. R. 3 Q. B. 360; and *Steele v. Brannan*, 41 Law J. Rep. M. C. 85; L. R. 7 C. P. 261. *Steele v. Brannan* is directly in point as to the publication of indecent trials, and the judgments of Lord Chief Justice Bovill and Mr. Justice Grove are both founded on *Rex v. Mary Carlile*. The counsel for the defendant in this case put forward the view of *Rex v. Mary Carlile* which is advanced by your correspondent, but the Court paid no attention to him.

2. The second remark I wish to make is that your correspondent is very earnest about malice, which he says is an essential element of libel; about the encroachments of the judges upon the common law as he says it was in the seventeenth century; and on Lord Erskine's Libel Act. He also insists upon a case of *Thorley v. Lord Kerry*, 4 Taunt. 355, decided in 1812, in support of some of those views. I wish to call attention to a few words which he does not quote from the end of that judgment, but which bear closely on one of these matters: 'The tendency of the libel to provoke a breach of the peace or the degree of malignity which actuates the writer have nothing to do with the question.' I will not trespass on your space by showing how essential these words are to the judgment. Anyone who takes an interest in the matter may read the judgment for himself. They seem to me to be in absolute contradiction to what your correspondent asserts.

My object in writing to you was merely to prevent a bill of this importance from pas-

sing without examination and discussion. I have certainly no hostility to the press. Any one who knows what my career in life has been must have thought such a suggestion is absurd; but I am jealous for its honour and respectability, and I think that such legislation as is proposed would foster abuses to which I certainly do see a tendency in newspapers which I should not call respectable though they are influential. Most newspapers, both in London and in the country, carry on their business with the utmost propriety under circumstances at times of great difficulty. The *Times'* reports of the Divorce Court, for instance, succeed in giving accounts of the most shameful stories in language as unobjectionable as is consistent with any reference to the facts, and I am far from saying that all reference to them should be omitted. But there are journals which I would certainly not trust with a legal right to publish *verbatim* reports of indecent trials or meetings. Prurience and Purity have met together on many occasions of late years, and it is impossible to walk the streets without seeing that the sham indecent trade (whether it is a sham or not I cannot say) may be carried on by newspapers which try to attract customers by suggestive titles prefixed to articles which, I hope, disappoint their readers. To such papers the proposed bill, as it stands, would be a Magna Charta.

I am glad to see that 'An English Barrister' thinks that the provision in the Act of 1881 restricting privilege to matter of which the publication is for the public good should be maintained. Neither does he deny that my illustration as to possible abuses of the bill is correct, though he thinks it unlikely to happen. Would he say as much as that of a report of a grossly indecent Purity meeting? Except upon legal authorities and historical matters there is not at bottom so very much difference between him and me.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, June 16.

Judicial Abandonments.

Charles Henry and David Hiram Sawyer, store-keepers, St. George de Clarenceville, June 8.