

ciple—of the liberty of the individual against the despotism of the State.

Britain, one can believe, may be the author of some acts of which she is not proud—may have done some things to cause her, looking back upon them with full light, to wish they had never been done. But in this war this old and proud democracy is unfolding, applying, a material strength and a moral splendor that for countless ages after this conflict is stilled will be shining undimmed amid the first glories of history.

Flotsam and Jetsam.

THE PRESS AND THE PUBLIC.—It must now be taken to be the law that any agreement by a newspaper not to publish any comment upon individuals or companies is invalid, and such a contract will not be countenanced in a court of law. This is the decision of the Court of Appeal in *Neville v. Dominion of Canada News Company* (post, p. 229), upholding the decision of Mr. Justice Atkin, who held such an agreement contrary to public policy. Lord Cozens-Hardy's principal ground for holding that such an arrangement was invalid was that such a covenant was in restraint of trade, but he certainly made it clear that, in his opinion, it would also be against public policy. Both Lord Justice Pickford and Lord Justice Warrington based their judgments on the ground of public policy. No one will regret this decision, for agreements for consideration by a newspaper to sell its right of free and unrestricted comment on matters of public concern are reprehensible in the highest degree. It is difficult, however, to see the true distinction, quite apart from questions of conspiracy, between a newspaper selling its right to comment upon particular individuals and a tradesman refusing to sell to particular customers, so far as questions of restraint of trade are concerned. As to the point of public policy, the case seems an extension of that "unruly horse," in order to cover a case where no illegality is alleged or proved.—*Law Times*.