

by supplying it with personalities at a fixed price. It appears that a "lady of title" is paid at the rate of two guineas for such paragraphs. The proprietor of the paper makes no inquiry and the slander appears for the gratification, I must suppose, of the readers of the *World*. The defendant appears to think this makes his case better; but to me and my colleagues it seems to make it worse. To open a sort of "lion's mouth" into which all the personal gossip of what is pleased to call itself "society" is to be "shot" anonymously, at the rate of two guineas a personality, and to take no trouble to inquire into the truth of what is published—one cannot suppose a system more certain to lead, as it has led in this case, to the publication of cruel slander and stories tending to the discomfort and unhappiness of those who are the subjects of them. It has been often said that it is the publisher, not the inventor, of scandal who does the real mischief; and the defendant, to my mind, adds to rather than diminishes his responsibility by the course which he has pursued. But more than this. He has stated that he had no idea that this paragraph, into the truth of which he took no pains to inquire, applied to the Earl of Lonsdale. But he has not stated to whom he believed it to apply, and he has not stated that he believed it to apply to anyone, so that he "shot his bolt" at a venture at the casual passer-by—some one he had never seen, whom he did not know, whom he had never heard of—taking the chance of its doing him a cruel injury. Now, what in such a case is to be done to the defendant? It is a libel unprovoked, unjustifiable, and published in a paper that lives on personalities and pays for their manufacture. The sentences of Courts of Justice should, if possible, be the expression of the intelligent opinion of the public, whom, in a certain sense, they represent. Over-severity takes the shape very often, or appears to take the shape, of personal vengeance; it seems to be the outcome of anger rather than judgment, and creates—and properly—a reaction in favour of the over-punished victim. It is therefore desirable that we should do nothing that may seem to savour of excessive severity. We have considered whether it would suffice

to inflict a fine, but a fine on a person conducting a successful paper with a large circulation is a matter of comparative indifference. It is right, therefore, that the liberty of the defendant should be interfered with, though to no harsh, cruel, or unreasonable extent. The sentence of the Court, therefore, is that the defendant be imprisoned for four months."

#### VIEWS OF MONTREAL ABROAD.

The *Law Journal* (London) publishes a letter from a correspondent in Montreal, treating of our legal system. The view expressed is apparently the superficial observation of a stranger, but in the main it is correct. The writer seems to be under a misapprehension, however, on one or two points. He says, for instance: "The procedure is admirably adapted for trying contested suits, though very halting, slow, and defective as respects undefended causes, there being nothing corresponding to your special endorsement system at home." The difference is more in form than substance, and certainly does not justify the epithets "halting and slow."

The writer also appears to think that the ranks of the unoccupied members of the profession are more thronged here than in London. He says: "The leading offices of the city undoubtedly do well, but outside of these hunger rules the crowd." This is picturesque, but it gives an erroneous impression of our legal world. It would probably be more true to say that "hunger rules the crowd" in London than in Montreal—that is to say, the proportion of the members of the profession whose time is not fairly well occupied is probably much smaller in Montreal than in a great capital like London. After all, does the public lose by this state of things? It is the intensity of competition that gives to every country some of its most valued men, who only find "room at the top." H. B. Thomson, in his "Choice of a profession" (London, A.D. 1857), says: "There are thus 1,500 unsuccessful advocates, each anxious to rise, each contending for the next opening to practice that may occur by the promotion, retire-