the newspaper, and a verdict for the defendant was brought in by the jury shortly after retiring.

From the remarks of the learned judge at the trial it would seem, not only that the old rule "the greater the truth the *greater the libel*" has been superceded, for this has been the case for years, but that the trend of judicial utterances is becoming more and more favorable to the position that the truth is a good defence to an action for libel in any case. The restriction that the truth stated must be "in the public interest" has not now a great deal of weight. There is a growing tendency to take nearly all truth as being "in the public interest." What His Lordship said about an apology being a good defence where no malice or gross negligence is shown, is also of the first importance to newspaper men, and both this and the preceding case of Beaton vs. Brierley go to show the waning sympathy of juries towards merely vexatious libel actions.

THE CANADA REVUE CASE.

After five months' deliberation, Judge Doherty gave his decision on Oct. 30th in the celebrated case of the Canada Revue v. the Catholic Archbishop of Montreal. On November 11th, 1892, the Archbishop wrote and caused to be read in all the Catholic churches of his diocese a circular letter protesting against certain journals which he claimed had insulted religion, the discipline of the church and its ministers, and concluding: "The holy name of God invoked, we therefore condemn, by virtue of our authority, two publications printed in our diocese, namely, Le Canada Revue and l'Echo des Deux Montagnes, and we prohibit until further order all the faithful, under the penalty of refusal of the sacrament, to print, to place or keep on deposit, to sell, distribute, read, receive or keep in their possession these two dangerous and unhealthy sheets, or encourage them in any manner whatever." Because of this interdiction, the Canada Revue Company brought action for $50,000 damages.

In the meantime, as the result of the Archbishop's mandament, contributors withdrew their names from the Revue, subscribers their support and advertisers their patronage. The paper continued for a while as a weekly, then as a fortnightly and finally was compelled to stop publication. The other paper, the Echo des Deux Montagnes, which was condemned, promptly changed its name and is still published as the Libere of Ste. Scholastique.

The pleadings of the parties summarized present for decision the following questions: (1) Is the circular a libel? (2) If so, was it published under such circumstances as to constitute it what is styled in the plea a privileged communication? (3) Was the prohibition contained in the circular addressed to the Catholics of the diocese a wrongful act, or was its enactment and publication the exercise on defendant's part of a right? (4) If it was per se the exercise of a right, did the exercise of that right by defendant in the manner and under the circumstances in and under which it was exercised constitute an invasion of any legal right of plaintiff and thus become wrongful?

On each of these points the Judge decided in favor of the Archbishop, holding that he acted without malice and within his jurisdiction. He therefore dismissed the case and added: "In disposing of this case the court has proceeded upon principles which would be equally applicable to societies having purely temporal objects. As the application of these principles has been sufficient to dispose of plaintiff's action, it has not been necessary to consider whether the spiritual character of defendant's functions would enable him in the performance of them to take any wider liberty than the functionaries of any lay society, and the court refrains from expressing any opinion thereon."

This decision is law, and as such is sacred. However, because it is law, it is a time when it can safely be said, "There are some changes needed in our law." Judge Doherty placed the Roman Catholic Church on the same basis in the eye of the law as other social organizations, Masons, Oddfellows, Foresters, etc. Yet none of these could send out a proclamation, beginning, "The Holy name of God invoked," which would be as sacred on the consciences of men as the proclamation of the Archbishop of Montreal was. The Archbishop has a great power in his hands, which he can use for weal or woe, spiritual, and by this decision for weal or woe, temporal. If an Archbishop can destroy a newspaper he can destroy a dry goods business, a boot and shoe business, a grocery business, etc. In fact, the business men of the Province of Quebec are entirely at his mercy, and the reputed freedom of the American continent is a nonentity in Quebec Province atleast.

In conclusion, we can only mildly say, as many other Canadian papers have said, that we hope an appeal will be made, and that the highest authority in the British Empire will have an opportunity to say whether preacher or priest has a right to say on what lines the newspaper in his pastorate or parish shall be conducted.

OLES VS. PRESTON.

A libel suit of unusual interest was tried at the Brantford assizes, which opened the 22 inst., Judge McMahon presiding. Charles Oles, a Brantford lawyer, sued Mr. T. H. Preston, of the Expositor, for damages for an alleged libellous article in which he (Oles) was spoken of as a "vulture." The offence charged against Oles is that of soliciting an action against the Expositor in connection with a trivial item that appeared in the paper, and finally offering to undertake it at his own risk and costs.

Hon. A. S. Hardy conducted Mr. Preston's side of the case, and made out a strong defence, dwelling strongly on the point that briefless lawyers were apt to offer to conduct libel cases at their own risk, and that as this was, seemingly a case of this kind, it should be met with fitting punishment. Mr. Hardy scored the plaintiff, Oles, for defending himself out of the mouth of a perjuring witness. Mr. Lount spoke on behalf of Mr. Oles, trying to show that the witness who had been called to prove that the man for whom Mr. Oles was solicitor had sought his help, was a reliable one.

T. H. Preston.

It appears that the whole jury were for giving a verdict for the defendant, President Preston, but two of the twelve wanted to divide the costs. This caused the jury to disagree and they were discharged, each party thus having to pay his own costs.

Judge McMahon, in the course of a powerful speech, said: "And here, gentlemen of the jury, it is proper to say that this is a matter of public interest, was treated as a public interest, was regarded as a matter of public interest; and where a newspaper