

Hinks; it is to be noted that he speaks of the laws of England, and here of 1848:

“I am prepared to express an opinion as to our law of libel—should it be incorrect and should it have an influence on the verdict, this may be remedied on an application for a new trial—and that opinion is, that what we read of the doctrine of that country from which we have our civil law, that is inconsistent with the liberty of the press (as understood in England) is to be modified so as to leave intact that constitutional principle. That this boon so much and so deservedly valued by a British subject, necessarily exists in all British colonies. That it is unimpaired by existing legislation at the time they became part of the realm (being part of the public law.) I am, therefore, prepared to say that as respects the general doctrine of libels as connected with the press, no British subject need be alarmed, for he is to have all the benefit arising from constitutional rights, and will find protection to Her Majesty’s Courts. *I am of opinion and such is my charge to the jury*, that their verdict must be same here as it would be in England with a regard to the efficacy of protection legally attributable to this constitutional principle of freedom, the liberty of the press, as understood in the mother country. With this opinion deliberately given on this occasion, if it is confirmed by the tribunal hereafter, when called in question, I entertain a hope that we shall hear no more of the imperfection of the law of this country, emphatically called the law of libel in Lower Canada, as regards the liberty of the press. I am not, however, to be understood to say that the law here which gives redress in cases of defamation is the same as the law of England. I mean no such thing, for it is different in many respects. It is not for me to vindicate our municipal law; it may be better or worse. The courts are to judge according to law, taking the law to be wise. If I were to express an opinion it would be to that effect, and that our law affords equal protection to all classes of society. I would point