

by Dutch Law, should operate to the annulling of a marriage of British subjects, upon the ground of protecting rights, which do not belong in any such extent to parents living in England, and of which the Law of England could take no notice, but for the severe purpose of this disqualification." He held the marriage valid.

The freedom of the Press in England is not established by any Statute. The regulations against it, renewed at different times, expired in 1694, and from that time the press has been free. I do believe that freedom to be essential for the well-working of our own system of Government where only quasi representative institutions exist; and which I believe are generally considered as suited to the circumstances of the country. It is true that we have the Imperial Government to appeal to, which would at once cause any wrong to be redressed. It is, notwithstanding, also important that a fair and free discussion should be permitted so as to prevent the commission of any wrongful act. As to the licentiousness of the press we are all agreed that that should not be allowed. There was no greater upholder of the freedom of the Press than Lord Camden; and as such, in delivering a Judgment in a case of libel, he said, "when licentiousness is tolerated, liberty is in the utmost danger, because tyranny, bad as it is, is better than anarchy, and the worst of government is more tolerable than no government at all." The Press has the right to discuss the public conduct of public men; it may even under certain circumstances, be justified to speak of their private conduct. While I say this, I must confess that I have been surprised to read that "public men are public property" in the sense that almost any thing may be said of them. I am not aware than when men give their services to the public—very often for a less remuneration than they would have obtained from private individuals—that they are supposed to have lost all their fine feelings, their *sensibilité*, to use an expressive French word, and that they have become a target for the meanest of quill drivers to shoot at.

I cannot decide that to be libellous here which would be considered a fair, honest and not malicious criticism of the conduct of a public functionary in England. I am not required to go any further in deciding upon the merits of the pleading filed by plaintiff. Whether the article published in the "St. Lucian" of the 17th August be or be not libellous is what the evidence will show—it is a subject for future consideration.