

in our efforts to remedy our present difficulties we should fall into others not so easily cured.

I have omitted to refer to one feature in our system which I intended to notice, viz., the limitation of appeals. In this respect I consider that our system is in advance of many others, especially those of some of the other Provinces. I would favor an extension of the limitation.

To be of any benefit to the party interested an appeal should be worth prosecuting. It seems to me that an appellant who takes a case to the Queen's Bench involving less than \$500, not only does what is unjustifiable but what the legislature should prohibit.

Admitting that he succeeds and even establishes an important principle, which is seldom the object of any particular litigant, his success is likely to cost him twice as much as the sum involved, and his adversary has to pay bitterly for the fact that the lower court thought him in the right. The establishment of a principle can very well wait the occurrence of a case involving an amount making it worth while struggling for.

Should the parties happen to be country farmers not possessed of extraordinary means, nothing beyond enjoying a comfortable subsistence from properties of a moderate value, the loser can scarcely fail to be ruined, involving the loss of his farm; the winner also is very likely to meet with the same fate. Similar disaster overtakes others in like circumstances as to means. The case of farmers is given as an obvious illustration of frequent occurrence, and affords a practical application of the maxim *summum jus summa injuria*.

Save titles to lands, annual rents or rights in future, and some other cases excepted by the existing law, I would have the Legislature prohibit appeals to the Queen's Bench in cases where the amount in dispute is less than \$500. Instances are of frequent occurrence where the amount involved is little over \$100, yet the costs including those in appeal sum up to between \$600 to \$700.

The present heavy disbursements for taxes and fees other than those of the attorney are a serious burden upon the profession and the litigants, which it is to be hoped may soon be alleviated.

Respectfully yours,

A. CROSS.

Quebec, Sept., 1882.

THE QUEEN v. WHELAN.

To the Editor of the Legal News:

SIR,—I understand that a large number of copies of what purports to be my charge in the case of *Regina v. Whelan* are being circulated. As all the reports of what I said are very imperfect, and as some papers have referred to my remarks without having the candour even to attempt to report them, I shall feel obliged by your inserting in the *Legal News*, the following summary of what I did say.

Your obedient servant,

T. K. RAMSAY.

Montreal, 30th Sept. 1882.

Gentlemen of the Jury,—As has been remarked by one of the Counsel who addressed you, the present case is one of great importance. All prosecutions for libel are so, for it is the most annoying and provocative of all the minor offences. It is doubly important here, for libel has become so frequent and persistent of late in this country that it has grown almost into a national defect. It is therefore proper to keep clearly before us the principles of the law with regard to it. More than once it has been said that the writer of a newspaper stood in a different position with regard to the law of libel than others. Ignorant people are led into this error by the absurd use of the expression, "the liberty of the press." They think that it means that a man with a stump of a pen, ink, and a printing press at his command, writing a newspaper, has a privilege to publish, or, at all events, that he has some excuse for publishing what it would be criminal in others to write and publish. The liberty of the press is a very important matter, but what it really means is freedom from censorship. In some countries the government only allowed to be published what it desired to make public, and hence arose the demand for the liberty of the press.

The defendant is accused of a libel intended to injure the prosecutor Mr. McNamee. You have heard the article complained of read more than once, and I think none of you will question its defamatory character. I need not therefore enlarge on that at present. Now, by the law existing in this Province up to a very recent date, the truth of a libel could not generally be enquired into. But a case tried in this Court having