

law, are but general terms of abuse, and it cannot be intended what blood he sucketh.

You may say a member of Congress is weak of understanding. You may call a member of the Montreal Board of Health "a cypher," (35 A. L. J. 382). But woe betide you if you say of a bishop, "He is a wicked man," or of a parson, "He preacheth lies in the pulpit," "He is a common drunkard, a common swearer, a common liar, and hath preached false doctrines;" or of a barrister, "He is a dunce, and will get little by the law," (although Duns Scotus, the first of the great Dunce family, was "a great learned man"); or, "Thou art no lawyer; thou canst not make a lease; thou hast that degree without desert; they are fools that come to thee for law." Or even if you say any of these things, woe be to you. If you say of an attorney, "He has no more law than Master Cheyny's bull," "He has no more law than a goose," "He hath the falling sickness," "He is an ambidextet," or "a daffodowndilly" (if it is averred that the word means an ambidexter); or if you remark of a physician, "He is a quacksalver, an empiric, a mountebank." For all these words touch the person spoken of in his office, profession or trade. Distinctions are sometimes finely drawn. You must not say of a barrister, "He hath as much law as a jackanapes," yet you may say, "He has no more *wit* than a jackanapes," (wit not being essential to success at the bar). The court was not sure whether it was right to say of a solicitor, "He has no more law than the man in the moon," probably because there is some uncertainty about the amount of legal knowledge possessed by that most observant individual; and yet to say of an attorney, "He is no more a lawyer than the devil," is decidedly actionable, notwithstanding the well-known skill of the prince of liars.

You must not impute immorality or adultery to a beneficed clergyman, and yet you may to a physician or a staymaker; and if you call a woman by the vilest names, or impute to her the most immoral conduct, she has no redress unless she can prove that these words have directly caused her special damage; and discord between man and wife ending in a divorce, the husband refusing to live with his wife, her expulsion from religious societies, are not sufficient special damage. This state of the law has truly been called unsatisfactory, nay, barbarous.

In New York, it has been held libellous *per se*, to charge that a person is illegitimate (*Shilby v. Sun Publishing Co.*, 38 Hun. 474). In such sad cases the poor maligned woman, as she feels the sting of slander, can only comfort herself with the thought, "They are not the worst fruits on which the wasps alight."

One cannot be as free with his pen as with his tongue, for *litera scripta manet*. How it will be when the phonograph is in full swing, seizing and perpetuating all the words of a man's mouth, and allowing them to come forth again in the very tones of the first utterer at the will of any one who can turn a crank, it is for the judges on the bench to say. Meanwhile, any written words are defamatory which impute to the plaintiff that he has been guilty of any crime, fraud, dishonesty, immorality, vice or dishonourable conduct, or has been accused or suspected of any such misconduct; or which suggest that the plaintiff is suffering from any infectious disease; or which have a tendency to injure him in his office, profession, calling or trade. And so, too, are all words which hold one up to