

a publication is injurious to the best interests of society, and can not be defended."

Recapitulating and dissecting the evidence, Mr. A. came to the conclusion that

"Of the thirteen specific accusations, no proof had been offered as to many, and that, of the others, the proof was inadequate and defective. Lightness, frivolity, and imprudence were one thing,—crime, guilt, wickedness, depravity, were another. The last had been charged by the defendant, at most he had proved only the former. This was not enough in law, as the law has heretofore been found in the books. A party who accuses another of crime at the bar of public opinion, must be held to as strict proof as he who does the same thing at the bar of this court. Any other rule would break down the moulds by which reputation is preserved, and overwhelm all that is dear to us in the unbounded current of calumny and detraction."

The Court then adjourned till the following day. In the CHARGE TO THE JURY which was then made, the Court commenced by following up the assumption, the erroneous nature of which I have in the former parts of this abstract endeavoured to expose, namely that "by the common law of England, the truth is not admissible in justification," and went again over the ground, upon which, at the commencement of the trial they had controverted the propriety, though not the existence, of this supposed maxim of the common law in England. After the able and luminous display by Mr. Hooper of what was actually the common law of England on the subject, in opposition to the arbitrary dicta of a few of the judges, it seems to have been a perfectly supererogatory kind of fighting a windmill to have laid so much fresh stress on the subject. I pass that over therefore, as well as the repetition of, and animadversion upon, the evidence adduced, and proceed to the close of the CHARGE, which was, in substance, as follows :

"It has been stated to you, in substance that it was incumbent upon the defendant to satisfy you of every, the minutest,