

judiciously observes, and who, by the bye, can not be Mr. Chisholm, or else he is wonderfully improved in every respect,) "consists not in freedom from censure for any criminal matter that may be published; but in laying no previous restraints upon publications. Every freeman has undoubtedly a right to lay what sentiment he pleases before the public. To forbid this, is to destroy the freedom of the press; but if he publishes what is improper, mischievous, or illegal, he must take the consequences of his own temerity. To subject the press to the restrictive power of a licenser, is to subject all freedom of sentiment to the prejudices of one man, and make him the arbitrary, and infallible (irrecusable) judge of all controverted points in learning, religion, and government. But to punish, as the law now does, any dangerous or offensive writings which, when published, shall, on a fair and impartial trial, be judged of a pernicious tendency, is necessary for the preservation of peace and good order, of government and religion, the only solid foundations of civil liberty. Thus the will of individuals is still left free, abuse only of that free will, is the object of legal punishment."

In a well conceived, but rather faultily written, article on the *Freedom of the Press*, in the Canadian Times, it is said: "freedom of speech, we conceive, is an essential to (of) the liberty which our constitution affords, or ought to afford us. It is true the powerful influence of the press may be exerted to sow sedition, and to create disturbances. But that is quite another matter, and for such crimes a fit punishment is provided."* "The press has ever been considered, and with justice, a barrier against tyranny, an encroachment upon its unalienable rights in a free country, is an indication (of tyranny) which can not be mistaken, for it is a distant (distinct) attack upon the rights of the community. The press is the medium through which the communications between the rulers and the ruled are

*In the observations which the editors of that paper have made upon the proceeding of the House of Assembly, with regard to themselves, they have lost sight of this principle.— They do not appear to have felt that, if they had been guilty of improper language with respect to the house, a matter which by being called to the bar they would have been allowed the opportunity of disproving, or of justifying, the fit punishment that is provided for it, is to receive a reprimand and to pay the expenses attending a committal by order of the house. Those who have argued this matter, appear erroneously to consider that written statutes, or charter-law, alone should decide it; and forget that common-law, unwritten law, and ancient usage, are by the inestimable constitution of England, paramount and binding, unless absolutely contradicted by statute.