

judge referred to *Campbell v. Spottiswoode*, 32 Law J. Rep. Q. B. 185, as a case that was always recognized and followed by our Courts. If they were satisfied that the imputation was true, Mr. Bradlaugh's contention of honest belief might avail, but if not, no amount of such sincerity would avail him. Having cautioned the jury against political bias, the learned baron proceeded to observe that at the time in question there had been public meetings held in Trafalgar Square, and Mr. Bradlaugh wrote the letter complained of, and it was published in the *Times* of December 3, 1887. The learned judge asked the jury whether they thought the libel as set out in the pleadings supported the meaning put upon it by the plaintiff, and constituted a grave charge against him. If it did, then were they satisfied that the charges were substantially true? He did not think that anyone could say, whatever his politics, that there was any harm in the plaintiff associating with others and raising subscriptions in order to ventilate their particular grievances. That was what Peters said he was doing. But Mr. Bradlaugh asserted in the letter in question that this was not so, and that funds subscribed for that object had been diverted from their legitimate source. Lord Salisbury's cheque, as to its object, could not have been a more charitable one. The suggestion was that cheques of the leading Conservatives, including Lord Salisbury, had been used to organize sham meetings. After the evidence Mr. Bradlaugh entirely withdrew the charges so far as they related to Lord Salisbury. The other cheque traced—viz., Mr. Bates's for £10, was shown to have been used for quite as charitable an object. So both these cheques disappear. But then there was the other cheque of Mr. Norris, M. P., for £5, which Mr. Peters said had been given him towards the association. Where, then, has it been shown that Mr. Peters had had cheques from leading Conservatives, &c., as stated in Mr. Bradlaugh's letter? If, therefore, they were of opinion that Mr. Bradlaugh had failed to establish the truth of his statements, the only other question for them was that of damages. In dealing with it they must look at all the circumstances of the case; and alluding to the fact of Mr. Bradlaugh declining to act upon

the suggestion thrown out at the adjournment, and when his case had—so far as Lord Salisbury was concerned—completely fallen to the ground, he reminded the jury that by so acting Mr. Bradlaugh had aggravated his offence. Mr. Bradlaugh had called for Mr. Peters' subscription-book in connection with the Sugar Bounties Association, and he had looked into it, and felt bound in fairness to say that he found therein the names of very eminent men—Conservatives and Liberals—as subscribers. The learned judge then referred to the article published by Mr. Bradlaugh in the *National Reformer* of February 28, 1888, in which Mr. Bradlaugh asserted that he was prepared to prove that Peters had received a large number of cheques from leading Conservatives, all of which had passed through Mr. Peters' hands. How had he proved this, or did his own account of the matter justify him in making such grave charges?

The jury, without retiring, and after fifteen minutes' consideration, found a verdict for the plaintiff for £300 damages.—Mr. Baron Huddleston gave judgment for the plaintiff for £300, granted a certificate for a special jury, and declined to stay execution.

#### RECENT ONTARIO DECISIONS.

*Constitutional law—Appointment of magistrates by lieutenant-governor of province—Powers of provincial legislature—B. N. A. Act, ss. 91, 92—48 V. c. 17 (O.)*

The Crown has the prerogative right to appoint justices of the peace within the Dominion of Canada and each of its provinces; but it derogated from that right by assenting to the B. N. A. Act, which conferred upon either the parliament of Canada or the legislatures of the provinces the power to pass laws providing for the appointment of justices of the peace.

Such laws are in relation to the administration of justice, and upon the proper construction of ss. 91 and 92 of the B. N. A. Act, are exclusively within the power of the provincial legislatures, under s. 91, par. 14.

Additional weight is given to the construction placed upon these sections, by the parliament of Canada having from time to time,