

far as we can judge from the newspaper reports of the case, to have operated so severely upon the plaintiff, at the time, as nearly to deprive him of that iron, not to say leaden, self-possession, which he preserved so imperturbably, until that critical moment—when all he could utter was, that he did not expect his Lordship to have given the jury any such charge, and he trusted it would not be regarded as disrespectful or out of place that he should take exception to the same, and ask to have it revised, in banc.

But here, again, the redoubtable suitor, who seemed to have verified the truth of the maxim, applied to counsel who conduct their own causes, was so seriously embarrassed by the peculiar juncture of affairs, that he failed to make up any bill of exceptions to the charge (as given), which could fairly be construed as any objection to its most damaging and destructive current. For, after the learned judge had utterly demolished the entire superstructure of the plaintiff's case, the jury, instead of retiring and remaining out a reasonable time, so as to show at least some compunctious regrets at the utter lawlessness of the liberties accorded by the learned judge to the press—not only in the matter of parliamentary reports, but of commentaries thereon, however damaging or offensive to personal pride and self-respect: instead of this only decent regard for the plaintiff's embarrassed position, the jury did not retire at all, but after a deliberation of less than two minutes announced themselves as ready to give a verdict in the case, for the defendants, of course. All this transpired in less time than is required to write it, and long before the plaintiff had sufficiently recovered from his very natural surprise, not to say horror, at the perplexing circumstances by which he found himself surrounded.

And now, to cap the climax of his embarrassment, the noble and distinguished Lord Chief Justice of all England, instead of allowing the perplexed suitor time to recover himself, and draw up formal and effective exceptions to the terrific charge,

required it to be done, *instanter*, and before the verdict should be delivered. This was, indeed, to require a man to go through the detail of a dress parade, not only in the face of the enemy, but at the very mouth of a battery of cannon, from whose fatal and destructive discharge there could be no escape, either by advance or retreat. What wonder, then, that the exceptions should be found fatally defective?

This is the more to be regretted, since the men of the press, although well satisfied to find in the chief judicial officer of the common-law bench of England so decided and unwavering a champion, would certainly feel more sure of their ground if the question had been so placed upon the record as to enable the defeated party to carry it to the court of last resort. And it is even now competent for the learned judge to certify the main features of the charge, for revision by his brothers of the same court, where, if regarded as involving serious doubt, it would be sure to be ordered into the Court of Exchequer Chamber, and might readily be brought to the House of Lords, for final indorsement or reversal.

The main features of the charge were: That any publisher of a daily paper, or any other publisher, was justified in giving fair and faithful reports of the proceedings and debates in either house of Parliament, and that no action of libel could be maintained for anything contained in such report, provided it were honestly and fairly put forth, for the *bona fide* purpose of giving information of what passed in Parliament. And that, as to leading articles, newspaper publishers had, to a certain extent, privilege of discussing such public questions as they might fairly consider the public felt an interest in hearing discussed; and in doing so they might put forth such views and maintain such constructions as they deem just and right, and that they were not responsible for the entire and absolute truth and justice of all they might utter, provided they acted in good faith and without malice.

In the present case, the defendants hav-