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THE CRIMINAL PROCEDURE BILL.

The history of the measure proposed in England for the codification of the law of Criminal Procedure is related by a correspondent of *The Nation* as follows:—"The bill in the House of Commons for the creation of a Court of Criminal Appeal and that codifying Criminal Procedure were referred to the large standing Committee on Law and Courts of Justice, commonly called the Law Grand Committee. * * * The course of the two law bills has been less prosperous. The Court of Criminal Appeal Bill passed its second reading with little objection, apparently because everybody thought that, after the often repeated demands for something of the kind, it was a matter of course to try the experiment. When its provisions came to be considered in detail the difficulties with which the subject bristles began to be felt. The committee cut the bill about a good deal, but in the opinion of many of our most sensible lawyers the more they changed it the worse it became. The Government declare that they intend to pass it, restoring it in some respects to its original form. But the session has now only eight or nine working days to run; there is a good deal of opposition to the measure and very little zeal for it. Most of the judges are known to disapprove it, and it is quite possible that even if it is forced through the House of Commons, it will perish in the House of Lords. Still more inglorious were the fortunes of the far more ambitious measure which was intended to codify the whole law of Criminal Procedure. It was originally drafted some six years ago by Sir J. F. Stephen, now one of the Justices of the Queen's Bench Division of the High Court of Justice. It was then submitted to two of our most skillful lawyers, Mr. Justice (now Lord) Blackburn and the late Mr. Justice Lush, afterwards a Lord Justice of the Appeal Court. They altered it in many points, and handed it over to Sir John Holker, then Attorney-General, who gave it a further polish, and intended to get it passed in the session of 1879. However, he had to drop it, nor was the present Attorney-General any

more successful in 1881 and 1882. This year it at last advanced to a second reading, and was sent, with good expectations of success, to the Grand Committee. When it came on there Mr. Parnell and several of his Irish allies objected to some of its provisions as unduly severe and despotic, and found some support among a section of the Liberals who sat on the committee. After a while obstruction began, and then it was clear that the bill, which the law officers of the Government did not themselves wholly like, as it was really not their work but that of judges from whose views they differed in important points, could not be carried. It was accordingly abandoned, and is not likely to be taken up until the attitude of Irish Nationalists alters; for at present they can, as indeed any other small but resolute section can, arrest the progress of any measure which has not the full force of the Government to push it through."

LIBEL.

A curious point came before the Queen's Bench Division in *Tompson v. Dashwood* (48 L.T. Rep. [N.S.] 943). The defendant wrote a letter to W. containing defamatory statements of the plaintiff, intending to send it to Col. W., but under such circumstances that it would have been privileged if it had been sent to W. The letter was not sent to him, but by a *bona fide* mistake was inclosed in an envelope addressed to another person who got the letter and communicated the contents of it to the plaintiff. The latter brought an action for libel. The Court held that the letter did not lose its character of a privileged communication. Williams, J., observed: "If a person publish untrue and defamatory statements about another, the law implies malice, and the plaintiff need not prove more than that the statements complained of were untrue and defamatory. But there are occasions when the law negatives the presumption of malice arising from the publication of untrue and defamatory matter; that is, when the party making the statement has a certain interest in the subject-matter of the libel. The question in this case is, whether the defendant stood in such a position with regard to the parties as that privilege would attach to the letter which is the subject of the action. It is admitted that he does stand in this rela-