

Irish Rep.]

MAGRATH V. FINN—FLOTSAM AND JETSAM.

extending this class of cases to persons preaching a sermon, and naming or plainly pointing at particular persons. The moral duty of the defendant has been much pressed upon us; but it is admitted that the defendant, in denouncing the plaintiff by name, was violating the provisions of one of the decrees of his own church. It is therefore, a solecism in reasoning to say that there was a duty incumbent on the defendant, when in the very speaking of the words he was violating his duty: Apart, however, from any such question, we are of opinion that the plea of privilege cannot be extended to the occasion of delivering or preaching a sermon, and on this ground we must allow the demurrer.

LAWSON, J. I never thought this case arguable, and feel some surprise that in the year 1877, for the first time, such a privilege should be claimed, which would not be tolerated in these countries even at a period when ecclesiastics were hardly subject to the laws of the land. I am of opinion that neither from pulpit nor altar can slander be uttered, and if it is, the person who does so must justify its truth, or be prepared to take the consequences.

KEOGH, J. I never entertained a doubt about this case from the moment it was mentioned.

Demurrer allowed.

### FLOTSAM AND JETSAM.

OFFICIAL REPORTS IN IRELAND.—Complaints have been made, from time to time, in many parts of this country, of the manner in which official reporters do their work. The profession have oftentimes, with good reason, blamed these gentlemen for a lack of promptness in issuing their volumes, or because they publish too much useless matter, or because cases were carelessly prepared, but there has, except in one or two instances, never been a claim made that the decisions given were erroneously reported. And in all our criticisms we have, with a remarkable unanimity, pointed to the experiments which have been made in Great Britain as a sure means of getting rid of such evils as we labour under from improper official or unofficial reporting. It seems, however, that the "Council of Law Reporting" has not, in Ireland, at least, done away with all that is to be condemned in law reports, and if it has proved a cure for what was wrong before, it has introduced other evils of as bad or even a worse character than any we endure. For this statement we have the authority of the Lord Justice of Appeal, who took the pains to give the *Irish Reports* a broadside, in delivering judgment on the 17th July, in the case of *Mackey v. Scottish*

*Widow's Fund & L. Assur. Co.* He said: "The last place in the world from which I would advise counsel to think of procuring a correct report, is in the pages of the present *Irish Reports*. I take this opportunity of informing the members of the practising bar that I shall regard it a favour if they throw wholly aside anything which, at any time hereafter, or which since the last May number has been or shall be attributed to me in that publication, whether in this case or any other, I now, by anticipation, disown and repudiate as spurious and unauthorised." The Lord Justice sets forth at length, and with examples, his reasons for this language, which are in substance that, in the publication named, the statements of decisions are not accurate; that the selection of cases is bad, and the head-notes are not well made. The London *Times*' Dublin correspondent says that the "Council of Law Reporting" has held a special meeting to consider the observations made by the Lord Justice, and resolved to publish a statement in reply, &c. The *Irish Law Times* says of the quarrel that, while it sides with the *Irish Reports* and deprecates the personalities in which the Lord Justice indulges, it must admit that there is one grave charge which he makes, which, "if well-founded and incapable of explanation, would go far to justify the severest strictures."

We have no interest in the quarrel, but the remarks of the Lord Justice have probably much truth, and confirm us in a belief which we have often expressed—namely, that the "Council of Law Reporting" has not proved to be a success even in England. What was promised by the originators of this plan, as we have understood them, was this; That the work of reporting would be well, thoroughly, and promptly done, so that there would be no chance or reason for unofficial volumes. There are now in existence, however, three or more series of outside reports, one of which is, in our judgment, much better done in every way than is the official one, as it certainly is more promptly done. In Ireland the *Irish Law Times* has published reported decisions, under the name of the *Irish Law Times Reports*, and this publication, so far as value in this country is concerned, is much better than the regular official reports, though we would not go as far as the Lord Justice did and say that these latter reports are a "parcel of trash, a wanton waste of ink, paper and printing."—*Albany Law Journal*.

THE LATE LORD JUSTICE MELLISH.—The loss sustained by the country in the death of Lord Justice Mellish can scarcely be exaggerated.