

THE LAY PRESS AS LEGAL CRITICS.

in his behalf. The writer continues "Perhaps, as the result stares them in the face, the curtness often amounting to rudeness, with which the Bar, especially the junior Bar, are treated by some judges, will receive a wholesome check." Time was when such a thing as rudeness, or even curtness on the part of the judges of Upper Canada was unknown. We are only repeating current talk amongst members of the Bar when we say that this cannot truly be said as to each and every of the judges of Ontario. The patient courtesy of Sir John Robinson was the severest rebuke to impatience or rudeness of either student or counsel, as well as the best example of what should be; the caustic polished reminder of a Draper was not given without necessity, and there was no malice in the quaint, blunt rejoinder of the kindest-hearted of men—Sir William B. Richards; but observations have been heard from the Bench during the past few years which, though clever enough, have been neither necessary, courteous, or edifying.

It is refreshing to read the healthy comments of the *American Law Review* on what the writer very happily calls the "blatherskite daily press." There was a time when it was considered to be the province of journalism to lead public opinion in the channel of thought of the purest and best thinkers of the day; the endeavour being to raise men's thoughts and aspirations to a higher level; but now the practice is for the daily press to give to the public the silly or vicious rubbish which the majority prefer, without any desire of helping them to the higher life or more ennobling thoughts of the minority. The text that our contemporary takes is the Adams-Coleridge suit, referred to recently by our English correspondent in much the same terms. He thus writes:—

"The secular newspapers hardly ever attempt to report a judicial trial without making egregious

blunders, unless they employ a stenographer and take down every word, including the *dictum* of the judge to the janitor to put some more coal in the stove: and they hardly ever undertake to criticize a judicial trial without making the same spectacle of themselves. This time, the whole American press seems to be running a race with itself, to see how ridiculous it can make itself seem to persons who are well informed on the particular subject in its criticisms on the ruling of Mr. Justice Manisty, of the English Queen's Bench Division, in what is known as the Adams-Coleridge libel suit. That suit grew out of this circumstance: A barrister named Adams paid suit to the only daughter of Lord Coleridge. The Hon. Bernard Coleridge, the eldest son of Lord Coleridge (not the son who was with Lord Coleridge in America—that was Gilbert Coleridge, his secretary), took upon himself to write a letter to his sister, admonishing her that her suitor was of bad character. She acted as girls are apt to act under such circumstances—gave the letter to her lover, and the latter was not ashamed to make it the basis of a libel suit against its author. The principal question was, whether this letter was what is known as a privileged communication, and, hence, not the subject of an action for libel. Mr. Justice Manisty ruled that it was a privileged communication; but in order to save the delay and expense of another trial, in case he should be over-ruled on this question of law by his judicial superiors, he put the case to the jury on the question of damages. They returned a verdict for £3,000. This verdict Mr. Justice Manisty immediately set aside, and reserved the question of the propriety of his ruling for the full court. This is the whole thing in brief, as nearly as we can gather it from the imperfect press dispatches. In ruling as he did, Mr. Justice Manisty did what is done in the English law courts every day. The only difference in this regard between the practice of an English court in a case at law and an American court, is this: The American court, under the same circumstances, would not have allowed the case to go to the jury at all, but would have non-suited the plaintiff. Then, in case of a reversal of this ruling, on error or appeal, a new trial, with the empanelling of a new jury, would become necessary. The English practice is better adapted than ours to take a short cut to the final result, and save expense. If the highest court before which the propriety of Mr. Justice Manisty's ruling is brought for review should reverse his decision, there will be no new trial, but judgment will be entered on the verdict already rendered. This is the whole ground of the insane howl which went up from the rabble of London against the