"3. Unless he has private property to the amount of £250 per annum, at the least.

"4. Unless he has extraordinary aptitude for advocacy—that rare combination of faculties found only in one man in a million.

"*And if he possesses any of these qualifications he must not* attempt the bar unless he enjoys also good health, a hide of leather and a face of brass.

"Any other man who 'goes to the bar,' commits a folly of which he will repent him all his life-long."

SHERIFFS' ADVERTISEMENTS OF LANDS.

Amongst our general correspondence will be found the letter of "A Sufferer," in respect to Sheriff's advertisements of lands to be sold under *fi. fa.* and detailing a grievance which very many of our readers are doubtless also aware of. We have been ourselves frequently asked the question if it were necessary to give a detailed description of the property to be sold, and have heard many bitter complaints of the great and unnecessary expenses so often entailed on unfortunate debtors and creditors, for where the property is not worth much more than the claim against it both parties suffer; the creditor in being unable to obtain the full amount of his claim after paying expenses, and the debtor in having a liability still hanging over him which his property ought to have been sufficient to wipe off.

It is the duty, as well as to the advantage of the Attorneys in a suit to lessen such expenses as much as possible, and the only remedy which at present occurs to us to suggest must proceed from them or rather from the attorney of the plaintiff; and in case he should neglect the matter, the defendant's Attorney should see to it, that is, either himself to prepare the advertisements, or instruct the Sheriff how he wishes it to be done. We should think that the Sheriff would not object to this, and in fact he would have no right to do so; as we believe that the Attorney in such cases would be doing his duty quite as much within the bounds of his authority as any other act he ordinarily does in the course of a suit.

LAW OF LIBEL.

We commented the other week on the law of newspaper libel: (see *Law Times*, May 14, 1859.) Connected with that subject, and curious in itself as an illustration of the doctrine of privileged communication, is a case of *Henderson* v. *Bramhead*, decided during this term in the Exchequer Chamber. It was an action by an attorney's clerk for a libel alleged to be contained in an affidavit made by the defendant in an action of trover brought against her by a third person. It charged the plaintiff with having corruptly delayed to destroy a will which the testator had made in favour of the plaintiff in the former action, and which it was alleged that the testator had desired the plaintiff in the second action to destroy. In consequence of the omission of the plaintiff to do so, it was stated that such claim as the plaintiff in the first action possessed had arisen. Apart from the privilege there was no doubt that the affidavit was libellous in its language; and it is also noticeable that it was a statement concerning matters irrevalent to the issue in the former action, and that evidence of express malice was tendered and rejected by the judge. Notwithstanding these two magnifying ingredients, the Court held unanimously that the affidavit was privileged on the established principle that no action will lie for words spoken or written in the course of a judicial proceeding.

This case is remarkable, as asserting, if not for introducing, virtually a new principle of law. Undoubtedly a long series of cases has established that an action will not lie for words spoken in litigation *relevant* to the subject of litigation (*Lake* v. *King*, Wms. Saunders, 131 b, n. 1; *Cutler* v. *Dixon*, 4 Rep. 14 b.; *Astley* v. *Young*, 2 Burr. 809, when Lord Mansfield, C. J. asked in vain for an authority to the contrary); but untill the case of *Revis* v. *Smith*, 18 C. B. 126, it had not been held that the privilege was so extensive that, unlike all other cases of privileged communications, even evidence of express malice would not destroy it. In *Revis* v. *Smith* the ground of action was substantially the same as in *Henderson* v. *Bramhead*, and the declaration charged that the plaintiff had been joined with several others as plaintiffs in a chancery suit, in which the defendant was one of the defendants; that the court had ordered some of the property in dispute to be sold, and had entrusted the plaintiff, as auctioneer, with the sale; and that thereupon the defendant falsely, maliciously and without probable cause, filed an affidavit imputing fraud to the plaintiff, in order to prevent him from having the conduct of the sale. On demurrer to this declaration the Court held that the declaration disclosed no ground of action, and that the affidavit was privileged, although made falsely, maliciously and without probable cause. In this case it seems to have been assumed that the affidavit was relevant to the cause, and therefore the case falls within previous authorities. In *Henderson v. Bramhead*, which virtually is an appeal from the judgment in *Revis* v. *Smith*, the relevancy was by no means apparent, and it might have been thought that the privilege of relevant evidence given maliciously would have been held to be widely distinguishable from the case of irrelevant evidence given maliciously. The judgment of the Ex. Ch., although not stating clearly that no such distinction exists, contains such a statement by implication. Certainly we are startled by the proposition, even while we bow to it. As law, we have nothing to say against it; but, as a question of jurisprudence, it may be worthy the attention of the Legislature. There is no more salutary principle of law than the doctrine of privileged communication. It is the life of business: and its extinction would be the extinction of ordinary commercial security. But how wide is the difference between statements by responsible persons, made *bona fide* for the benefit of others, although injurious to the individuals concerning whom they are made, and similar statements made by such persons, with a knowledge of their falsehood and their malicious intent to injure.

Reports of parliamentary and judicial proceedings are understood to be privileged while they are *verbatim* reports of words actually uttered during the proceedings; but the moment commentary is introduced the privilege ends; it is