

We fail to see, however, that the conduct of these two functionaries warrants the remark that "these judicial scandals are getting too common in Canada, and are bringing the Bench into disrepute." The fact that Judge Palmer has been taken severely to task by the Canadian press, and that these two cases are the only pegs which our Indian friend can discover whereon to hang his argument, help to prove the contrary; and simply show that the editor was in want of an item for his paper, and was entirely wanting in any knowledge of what he wrote. There is no country under the sun where judicial scandals are less common, and where the Bench is held in higher repute, than in Canada.

SOLICITORS ACTING UNDER ADVICE OF COUNSEL.

THE case of *Midgley v. Midgley*, 69 L.T.N.S. 241, has created some little stir among solicitors in England. It was a case in which a solicitor, acting on the advice of a barrister, procured one of two executors to pay a debt due to his client, after an adjudication had been made that the debt had been barred by the Statute of Limitations. The court not only ordered the money to be refunded at the instance of the co-executor who objected to the payment, but ordered the solicitor to pay the costs of the action. And it is this order as to costs which is by some regarded as a serious blow at the immunity of solicitors from personal liability when acting *bona fide* in the interests of their clients.

There seems to be no room to doubt that the solicitor in question was acting in perfect good faith, and with a zealous regard, as he supposed, for his client's interest; and there is also no doubt that in the course he pursued he was justified by the opinion of counsel. At the same time, in the judgment of the court, what he did was to induce the executor from whom he obtained payment of the debt in question to commit a breach of trust; and, after all, it is by no means an unheard-of thing that a solicitor who participates in, or induces the commission of, a breach of trust should be ordered personally to pay the costs of a suit rendered necessary in consequence thereof. And this, we take it, is the ground of the order against the solicitor in this case.

The fact that a solicitor has acted *bona fide* on the advice of counsel may be, and ordinarily is, a good answer to any action