

sent to be muzzled like the minority of the House of Commons. Let us hope, if he is permitted to experimentalize much longer in altering the British constitution, he may be more successful in transfiguring the House of Lords, than he has been in remodeling the Privy Council. R.

### CRITICISM OF MAGISTRATES.

Magistrates in England do not appear to be especially sensitive to criticism upon their decisions; at least one would so infer from the fact that remarks like the following (from London *Truth*, Aug. 14, 1884) passed without notice:—

"At the Westminster Police Court, last week, David Butler was charged with assaulting Margaret Dibben, also with assaulting Mr. Edward Halsey, who interfered to protect her, and with biting a policeman's thumb. The prisoner knocked the woman down without the slightest provocation, and was proceeding to kick her, when he was prevented by Mr. Halsey. A policeman then came up and was bitten while taking the prisoner to the station. One would naturally have expected that Butler would have been sentenced to a few months' hard labour, but Mr. D'Eyncourt, with a leniency *alike scandalous and inexplicable*, fined him five shillings and costs for each assault. It is certainly not surprising that decent women are afraid to cross some parts of London alone, if this is the way in which magistrates treat their assailants."

We remember that some time ago, when the Recorder of Montreal was censured in some of the daily papers for undue severity to a young woman charging with loitering on the street, he did not exhibit the same indifference.

### PROFESSIONAL PRIVILEGE.

We have an interesting budget of cases this week on the question of professional privilege. In *Ex parte Kavanagh* it was held by Mr. Justice Cross that a lawyer cannot refuse to testify that his client in a previous *capias* case signed and swore to a particular affidavit, even though the lawyer be retained for the same person in a charge of perjury based on such affidavit. In *Ex parte*

*Abbott*, Mr. Justice Jetté ruled that the Managing Director of a company cannot be forced to produce correspondence between him and the solicitor of the company relating to the suit in which he is examined. In connection with these cases we copy an article on Professional Privilege from the *St. James' Budget*, referring to the case of Cox and Railton, in which it appears to have been held that professional privilege is not to be extended so as to shield a person who has been engaged in criminal acts.

### DISTURBANCE OF COURTS BY EXTERNAL NOISES.

At Swansea Assizes recently, Mr. Justice Stephen had occasion to complain of the annoyance caused in Court by the continued hammering on board a ship in the neighbouring dock basin. Having sent once or twice to request that the noise might be discontinued, the learned Judge despatched the High Sheriff to the scene of the annoyance, and he presently returned with the offending workmen. His lordship, after lecturing the men, told them that they must desist, adding, that if it caused them inconvenience to stop hammering, they must let him know. London *Truth* remarks: "It must naturally cause workingmen inconvenience, and probably loss, to knock off work for an indefinite period in the middle of the day; and I fail to see by what right any judge can order them to do so. If the Swansea Courts are unsuited for their purpose, by all means let steps be taken to improve them; but not in this way." Mr. Justice Stephen met with a measure of success; a learned correspondent reminds us that the late Mr. Justice C. Mondelet was not as fortunate, when he sent to the Regimental Band to stop playing upon the Champ de Mars in Montreal. It refused.

### NOTES OF CASES.

#### COURT OF QUEEN'S BENCH.

MONTREAL, August 8, 1884.

[In Chambers.]

Before CROSS, J.

*Ex parte* HENRY KAVANAGH, Petitioner for writ of Habeas Corpus.  
*Privilege of Counsel—Confidential Communication.*