appreciation of them. Then he was a Montreal attorney clamouring that his client should be heard, now he is a Judge having to count, to some extent, with a Quebec prejudice. At all events, then he did not express the opinion that "the times of sitting had not much to do with the progress of business; it was merely shifting the days of work."

R.

THE ADVOCATE'S PRIVILEGE – WORDS SPOKEN ON TRIAL.

The English Court of Appeal in a recent case (*Munster* v. *Lamb*, 49 L.T. Rep. [N.S.] 253) had occasion to review the decisions touching counsel's privilege in the defence of a client. The defendant Lamb, a solicitor, was engaged to defend one Ellen Hill at the Brighton Petty Sessions. The prisoner Hill, a servant employed in the house, was charged with having administered soporific drugs to Munster's other servants, with the object of facilitating the commission of a burglary in his premises. It was proved that narcotics were found in the house, but the prisoner's counsel attempted to account for their presence by suggesting that Munster himself was using the drugs for improper purposes. "I have my own opinion," said Lamb, "for what purpose all these young women are resident in the house of Mr. Munster. I can believe that there may have been drugs in Mr. Munster's house, and I have my opinion for what purposes they were there, and for what they may have been used."

This was an insinuation of a very atrocious character, and without the slightest justification. Mr. Munster accordingly brought action for slander. Lamb pleaded that he was a solicitor, and that the words complained of were spoken while he was engaged as an advocate in the defence of Ellen Hill. The plaintiff was non-suited, and a rule *nisi* having been obtained calling upon the defendant to show cause why the non-suit should not be set aside, the rule was discharged by Justices Mathew and Smith. The plaintiff appealed, and Brett, M.R., and Fry, L.J., have affirmed the decision. It was admitted by the plaintiff's counsel that for some purposes advocates are privileged, but it was contended that the privilege exists only aslong as the counsel is acting *bona fide*, and is saying what is relevant to the proceedings in which he is engaged. The Lords Justices of Appeal, however, overruled this pretention, and laid down the wide rule that no action lies against counsel for words spoken with reference to and in the course of a judicial inquiry in which he is engaged as counsel or advocate, even if such words are spoken maliciously and without reasonable and probable cause, and are irrelevant to any issue or question forming the subject of inquiry. Brett, M.R., said: "A counsel is in a position of extreme difficulty, for he has not to speak of the things which he knows; he does not know whether the facts which he is instructed to bring forward are true or false, but he has to argue in favor of the proposition which will best advance the case of his client. He wants protection more than the judge or the witness, and he wants it more for the public benefit. In my opinion the reason of the rule covers him, not merely as much as the other classes of persons, but more, in order that he may be able to keep his mind free for the performance of his duty. The protection is given not for the benefit of a man who may wish to act with malice; but the reason is that if the rule were otherwise, an innocent counsel would be in danger, and would be put to trouble. It is better that the rule should be made large, *even though it may be large enough to cover the case of a man who acts with malice and is guilty of misconduct.*"

LAST WORDS.

The case of *Brousseau* v. *Seybold*, which appeared in our last issue (p. 389), may be regarded as an appropriate sequel to the discussion which occurred some time ago with reference to the decision of the Supreme Court in the case of *Shaw & Mackenzie*. That was a judgment which took a great many persons by surprise, and which certainly effected a serious revolution in practice. It became at once a very delicate and a very responsible duty to advise the issue of a capias in any case of meditated flight from the jurisdiction, however aggravated might have been the conduct of the debtor and however hopeless the creditor's prospect of ever receiving one farthing of his just claim if he suffered the fugitive to escape. It naturally followed, therefore, that