The Legal News.

Vol. VII. JULY 19, 1884. No. 29.

EX PARTE ANNOUNCEMENTS.

There is always some satisfaction in finding ourselves sustained by authority, and we are now able to quote the ruling of a learned body like the Supreme Court of Massachusetts in support of the remarks made on p. 9, condemnatory of *ex parte* publications. An action of libel was brought against the Boston *Herald*, for publishing a petition for the disbarment of the plaintiff, Cowley, before hearing. The case was dismissed by the lower court, on the ground that the publication was privileged, but the Supreme Court has set this decision aside. The following is an extract from the judgment in appeal:—"It is desirable that the trial of causes should take place under the public eye, not because the controversies of one citizen with another are of public concern, but because it is of the highest moment that those who administer justice should always act under the sense of public responsibility, and that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed. If these are not the only grounds upon which fair reports of judicial proceedings are privileged, all will agree that they are not the least important ones. And it is clear that they have no application whatever to the contents of preliminary written statements of a claim or charge. They do not constitute a proceeding in open court. Knowledge of them throws no light upon the administration of justice. Both form and contents depend wholly on the will of a private individual, who may not be even an officer of the court. It would be carrying privilege further than we feel prepared to carry it, to say that by the easy means of entitling and filing it in a cause a sufficient foundation might be laid for scattering any libel broadcast with impunity, and we waive consideration of the tendency of a publication like the present to create prejudice, and interfere with a fair trial."

DOUTRE v. THE QUEEN.

On the 12th instant judgment was rendered in this case by the Judicial Committee of the Privy Council, affirming the judgment of the Supreme Court of Canada, which affirmed that of the Exchequer Court. The claim of Mr. Doutre against the Dominion Government for services as counsel before the Fisheries Commission is thus sustained. (3 L. N. 297; 4 L. N. 18, 34; 5 L. N. 153.)

JUDICIAL STYLE.

The House of Lords, which characterized our Civil Code as "voluminous" (3 L. N. 369), does not err on the side of brevity in its judicial decisions. The *Albany Law Journal* says: "The only time when we contemplate the capabilities of dynamite with any approval is when we are condemned to read the long, rambling, slipshod, tautological, cumulative opinions of three or four law lords, which are supposed to set the law for Great Britain." The reproach is not undeserved, and might be avoided if their lordships would take the trouble to reduce their opinions to writing, either before or after delivery, as the opinions of a high court of appeal should be.

In connection with this subject we notice that the *American Law Review* does us the honor to print the observations we made at p. 109, but appears to imply that we were commending brevity *per se*. It is unnecessary to say that this is a misapprehension. Brevity is a relative quality: a judgment must be considered in relation to the matter treated. "It is one thing," says Bacon, "to abbreviate by contracting, another by cutting off." We have referred to this subject more fully on other occasions, and if the short paragraph on p. 109 was obscure it would itself be an illustration of a common fault of brevity. We had previously been reading about some judgments of extraordinary prolixity, and our remarks conveyed the impression of the moment. Our contemporary suggests that "it would be well if opinions could be filed *in extenso* for the purpose of satisfying the parties, and afterwards rewritten and condensed for the purpose of publication." This, of course, is not possible under ordinary circumstances, and judges