

do not exactly understand you, Mr. Thorpe," said Sir Vicary. "Well," replied Mr. Thorpe, "all I can say is, that I was suspended by *Lord Castlereagh*, when I got to England,—that I was recalled in order to be promoted, and accordingly I was promoted. I was a puisne judge in Canada; and was made chief justice at Sierra Leone soon afterwards." Lord Castlereagh, I believe, had promised him the appointment in Canada.

What I have never been able to reconcile myself to is, that what passed between the Governor and his Attorney-General should have been held to be the publication of a malicious libel, merely because Mr. Frith chose to say that *he* did not consider the interview confidential. It was quite clear from his own account of the matter, that if he had not been the Attorney-General, nothing of the kind would have taken place. The relation between the parties and the occasion of the interview, of themselves showed that what had taken place was strictly confidential; and the privilege of not having it regarded as the malicious publication of a libel under the circumstances, was a privilege that belonged to the Governor, and not to Mr. Frith. It is for the protection of the person requiring the official or professional advice, that the consultation is to be regarded as confidential, and surely it should not rest with the person consulted to dispense with the privilege at his pleasure, or, as was evident in this case, to act in defiance of it, in order to gratify a hostile feeling of his own. Sergeant Best managed the plaintiff's case with the skill and spirit that distinguished him as an advocate, and addressed the jury in the style that was certain to arouse their patriotic indignation against what he called "this most *extraordinary governor*."