

POWER OF COUNTY COURT JUDGES, &c.—PRIVILEGES OF COUNSEL.

prosecution of a disobedient defendant in such a case would invest the injunction with the character of a "remedy" without the only action of the Court granting it, which would give it effect and vitality.

We trust that the invitation offered by the learned judge, towards the conclusion of his judgment, to the plaintiff to apply for a rule to compel him to hear the case on the merits, will be accepted and acted on; and that either the effect of the judgment in *Regina v. Lefroy* may be modified, or else that the attention of the Legislature may be called to a state of the law which certainly appears to require some alteration.—*Law Journal*.

PRIVILEGES OF COUNSEL.

When Mr. Justice Lindley was suddenly, at the end of a Long Vacation, translated from the ranks of the bar at Lincoln's Inn to the Court of Common Pleas, and remitted to the task of trying special jury cases, the desire of the counsel who practised before him to make his path easy was most marked. No one sought to embarrass him with subtle objections and artful stratagems, or to presume in any way on his inexperience of Nisi Prius work; and his lordship got through the November sittings without a hitch in the progress of business, without a dispute with counsel, and without betrayal of his noviciate. Lord Justice Cotton, who last week was called upon to leave the serene regions of the Court of Appeal for the troubled scenes of a Criminal Court, was not so fortunate as Mr. Justice Lindley. It was his lordship's fate to try two murderers; and we can quite understand the weight of responsibility that must have been felt under such circumstances by a judge who, for all we know, may never on any previous occasion have been present at the trial of a criminal. But, as if the burden thus thrown on the judge was not sufficient, his lordship was brought into collision with the counsel who defended the prisoner in one of these cases, and felt himself compelled to complain of the conduct of that counsel towards the bench. Such encounters as these are always matters to be deplored. They are rare—happily so. But when the judge is new to the work set before him, they become

yet more regrettable, because they give rise, however unjustly, to the suspicion that an attempt has been made by counsel to presume upon the inexperience of the judge, and to invade his province for the purpose of unduly influencing the jury. We say "however unjustly," for we do not for a moment desire to impute any such design to Mr. Ribton, the counsel to whose conduct we refer. On the contrary, we are sure that his fault, if any, was attributable purely to his earnest zeal for his client, and not to any premeditated intent to impede the action of the judge. Indeed, the apology which Mr. Ribton tendered to the judge, and which his lordship frankly accepted, clearly exonerates Mr. Ribton from any imputation of such intent.

In the early party of his address to the jury the learned counsel used expressions of belief as to his client's innocence of the charge of murder; and the Lord Justice, following a notable precedent set by the Lord Chief Justice, at once interrupted him. Mr. Ribton explained that he was speaking of his belief in the proposition of law that the facts proved were such as to reduce the crime from murder to manslaughter. We hope the painful scene of counsel expressing belief in a client's innocence will never be witnessed in our days, and we are glad to think that Mr. Ribton was misunderstood by the judge. The expression of belief in a legal proposition is of course justifiable, although the form of expression is very apt to mislead. But in this case the jury could hardly have misinterpreted the language of counsel; for his whole argument was, that, all the facts being admitted, a certain legal consequence would follow. On this part of the case, therefore, it seems to us, that, although Mr. Ribton might have been more guarded in language, yet he did not mean for a moment to express any sort of belief upon the issues of fact before the jury.

What occurred, however, at the close of the trial cannot be so easily disposed of. It was proved that the prisoner Mumford had said to the police officer: "She has been a bad wife to me; she has aggravated me; she has taunted me, telling me that her unborn child was not mine." Mr. Ribton argued that the jury might conclude that the wounds from which Mumford's wife died were inflicted by Mum-