

plaintiff had placed certain goods in the hands of auctioneers for sale, and a sale of the goods had been advertised. The defendants, believing that the plaintiff had committed an act of bankruptcy, wrote to the auctioneers informing them of their surmise and directing them not to part with the proceeds of the sale. It was held that the communication to the auctioneers, being one which might properly have been made by the clients themselves, was properly made by the defendants in the course of their duty to them; and, there being no evidence of malice, judgment was given for the defendants. It seems to follow from this decision that a communication which may lawfully be made by a party to a litigation may lawfully be made by his solicitor acting on his instructions or otherwise in the course of his duty to his client. Does it follow that all that may be lawfully written by one man to others having a common interest with him on a particular matter may be lawfully printed by a firm of printers acting on his instructions? According to *Smith v. Streetfeild*, the answer is Yes, if the persons sharing in the common interest are so numerous as to make the printing of the defamatory matter a natural and proper means of communication. This view is not unsupported by authority. In *Mangena v. Wright*, 100 L.T. Rep. 960, (1909) 2 K.B. 958, a defamatory statement in the *Times* newspaper was held to have been published on a privileged occasion where the matter was of public interest as to which the public were entitled to information, and a newspaper was the ordinary channel by means of which the communication could be made public. But we must not delude ourselves into the belief, that from the decision of *Baker v. Carrick*, we glide imperceptibly to the conclusion arrived at in *Smith v. Streetfeild*.

The duty which a printer owes to his customer bears hardly any analogy to the duty which a solicitor owes to his client. The relation of solicitor to client is part of the machinery for the administration of justice. Great injustice might be suffered if a person who has been, or conceives himself to have been, subjected to a legal injury could not retain the services