

(a public official) were guilty of misconduct, or if they believed from information received that he was guilty to petition the proper authorities, either for his removal or to ask for an enquiry that an end might be put to the abuses asserted to exist in connection with that office; because, as it is said, all persons have an interest in every public office, and particularly with every office connected with the administration of justice, and they not only have a right to see that the office is purely and honestly administered, but they have a right to complain if the office be not efficiently administered.

Where a communication or a petition is presented, under the circumstances I have indicated, bona fide--a petition presented honestly and in good faith, it is said to be a privileged communication. Now, I will state to you just what a privileged communication is, as it is defined, and that is the best way in which to give it to you, and then I will illustrate it by something which will make it perfectly clear I hope to every one of you. It is said that a privileged communication is this: If the circumstances are such as to make it right that the defendant should plainly state what he honestly believes to be the plaintiff's character, the occasion is said to be privileged, and although the statement may prove to be false, yet such publication on such privileged occasion is excused in the interests of society at large. As I said, I propose to illustrate that by something that frequently arises, particularly in towns and cities. A man has a servant who leaves his employment, and seeks employment from another source. The party to whom he applies for a situation on hearing, for instance, that any one of you had been the applicant's master, writes to enquire of you as to the man's character. You reply to that letter, honestly stating what your opinion of the man is, both as to his character and capacity. In such a case it is a duty which you owe to society, if you know anything against the man, to communicate it to the person who asks your opinion, and if you make that communication bona fide and honestly, it is a privileged communication, although you may be mistaken in some of the statements you have made. If that were not