

THE SILVER SPOON.

This latest volume of Galsworthy's "Forsyte Saga" possesses great interest for a lawyer. In it will be found an interesting trial and a very fine piece of cross-examination. It occurs in the course of the trial of an action for defamation, the foundation of which appears as the story proceeds. The libels are contained in letters written by Fleur, daughter of Soames Forsyte, and wife of Michael Mont, M.P. They refer to a rather advanced and very modern young society lady, Marjorie Farrer, as being "a snake of the first water" and as "not having a moral about her," and were written in retaliation for being called a "snob." This remark was made by Marjorie Farrer during a party at the Mont's house. Soames Forsyte, the father, who was nearby heard his daughter being termed a "snob." He promptly turns Miss Farrer out of the house.

Fleur was furious on hearing what had been said and wrote to several of her friends about Miss Farrer in the terms already mentioned.

The action for libel follows. Sir James Foskisson, K.C., is briefed for the defence, and Bullfry, K.C., for the plaintiff. This is a very bald statement of the climax of a tremendously absorbing situation, aggravated by tension on both sides. It leaves untouched the fascination of the story unfolded by Mr. Galsworthy.

To a lawyer interest centres on the course of the trial and its legal basis. The plaintiff, Miss Farrer, is a lady with a past, and also with a present, which, in her set, considers every day morality as being merely silly prudery. The defence is really justification, but as Soames Forsyte had not been able to discover tangible evidence of the young lady's shortcomings, it is determined to trust to cross-examination for her undoing. The cross-examination, as it develops, is merciless and wins in the end; for a crucial question as to her past puts the plaintiff in such a dilemma that she refuses to answer. The action ends in her counsel offering to withdraw the case.

The point on which Mr. Galsworthy stumbles is that unless there is a plea of justification on the record, the cross-examination is inadmissible and futile and would be ruled out. If such a plea was set up, then the particulars by which the epithets would be justified would of necessity be disclosed before the case came to trial.

Such an acute critic as Sir Charles Biron, Senior Metropolitan Magistrate in London, thinks that no leading counsel would have embarked on such a cross-examination without the strongest evidence in his possession, nor would any English Judge have allowed it unless the pleadings explicitly justified the libels.

Moreover, it would be incredible that if the defendant had justified, the plaintiff's counsel would have put his client into the box before the defense had produced its evidence under that plea.

I recommend young members of the profession to read the book and to ascertain for themselves why, in a libel action, such a course as is said by the author to have been taken by two leading counsel at the trial, would be bad business.

Novelists rarely understand the law, or the mode in which, at a trial, it must be administered. But the very clever cross-examination in this book is an education in itself, nor is it less so because it could never have occurred.

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LEGISLATIVE LAWMAKING.—No one is satisfied with legislative lawmaking as it is to-day, yet some of the most significant improvements in the law in the last generation have taken place through legislation. Such things as Workmen's Compensation, or the continual statutory extensions of negotiability through uniform commercial legislation, must convince us that we cannot expect to do away with legislation as an agency of growth.—*Roscoe Pound.*