# Browne v Dunn

(1893) 6 R 67

**Court:** HL

**Judgment Date:** circa 1893

**Catchwords & Digest**

**EVIDENCE - WITNESSES - EXAMINATION OF WITNESSES - CROSS-EXAMINATION - IN GENERAL - DUTY TO CROSS-EXAMINE -- INTENTION TO IMPUTE PERJURY ON PARTICULAR POINT**
(1) If in the course of a case it is intended to suggest that a witness is not speaking the truth upon a particular point, his attention must be directed to the fact by cross-examination showing that that imputation is intended to be made, so that he may have an opportunity of making any explanation which is open to him, unless it is otherwise perfectly clear that he has had full notice beforehand that there is an intention to impeach the credibility of his story, or the story is of an incredible and romancing character.

(2) If a solicitor reasonably believes that his services may be required by a possible client who does not afterwards retain him, all communications passing between the solicitor and the client, leading up to the retainer and relevant to it, and having that, and nothing else, in view, are privileged.

**LIBEL AND SLANDER - DEFENCES - QUALIFIED PRIVILEGE - WHAT IS A PRIVILEGED OCCASION - TO WHAT STATEMENTS PRIVILEGE EXTENDS - STATEMENTS IN DISCHARGE OF PUBLIC OR PRIVATE DUTY - VOLUNTEERED STATEMENTS - STATEMENTS BY SOLICITORS, ETC - BY SOLICITOR -- TO CLIENT -- PRIOR TO BEING RETAINED -- REASONABLE ANTICIPATION OF RETAINER**
If a solicitor reasonably believes that his services may be required by a possible client who does afterwards retain him, all communications passing between the solicitor and the client, leading up to the retainer and relevant to it, and having that, and nothing else, in view are privileged.

**Cases referring to this case**
**Annotations:** All Cases**Court:** ALL COURTS
**Sort by:** Judgment Date (Latest First)

| Treatment | Case Name | Citations | Court | Date | CaseSearch |
|---|---|---|---|---|---|
| Considered | **Minter v Priest** | [1930] AC 558, 99 LJKB 391, [1930] All ER Rep 431, 74 Sol Jo 200, 143 LT 57, 46 TLR 301 | HL | circa 1930 | CaseSearch Entry |
| Considered | **More v Weaver** | [1928] 2 KB 520, [1928] All ER Rep 160, 72 Sol Jo 556, 140 LT 15, 44 TLR 710 | CA | 11/07/1928 | CaseSearch Entry |
| Considered | **Morgan v Wallis** | (1917) 33 TLR 495 | KBD | circa 1917 | CaseSearch Entry |

**Cases considered by this case**
**Annotations:** All Cases**Court:** ALL COURTS
**Sort by:** Judgment Date (Latest First)

| Treatment | Case Name | Citations | Court | Date | CaseSearch |
|---|---|---|---|---|---|
| Approved | **Martin v Great Northern Rly Co** | (1855) 16 CB 179, 24 LJCP 209, 1 Jur NS 613, 3 WR 477, 139 ER 724, 3 CLR 817, 25 LTOS 144 | pre-SCJA 1873 | circa 1855 | CaseSearch Entry |

**[23]** BROWNE *v.* DUNN. *March* 28, 1829.

*Amendment.*

An application to amend, under the 13th Order, must be supported by a joint affidavit of the Plaintiff and solicitor.

Mr. Spence moved for liberty to amend the bill, under the 13th of the New Orders.

The motion was supported by an affidavit made by the solicitor for the Plaintiff alone.

Mr. Sugden and Mr. Wakefield, *contrà*, said that the word "or" in the order ought to be construed "and," and that the Plaintiff ought to have joined in the affidavit:

And THE VICE-CHANCELLOR [Sir L. Shadwell] so ruled.(1)

(1) In some of the copies of the New Orders the word used is "and."