

20. La distance du centre de la chaussée du défendeur, à la propriété en second lieu décrite, du demandeur;

30. La profondeur de l'eau au milieu de la rivière, vis-à-vis la propriété en premier lieu mentionnée;

40. La profondeur des eaux au milieu de la rivière, vis-à-vis la propriété en second lieu mentionnée;

50. La profondeur des eaux au milieu de la chaussée;

60. La hauteur de la chaussée à partir du lit de la rivière;

70. La différence du niveau de l'eau entre un point du milieu de la rivière, vis-à-vis la propriété en premier lieu décrite et un point du milieu de la chaussée;

80. La différence du niveau de l'eau entre un point du milieu de la rivière, vis-à-vis la propriété en second lieu mentionnée, et un point du milieu de la chaussée.

Et la Cour ordonne que le dit expert à être ainsi nommé, fasse rapport sur le tout le ou avant le premier de juin prochain.

Ouimet, Ouimet et Nantel pour le demandeur.
Loranger, Loranger et Pelletier pour le défendeur.

(J.J.B.)

PHILOSOPHY FROM THE BENCH.

MR. JUSTICE STEPHEN'S strict views of the legal limits of discussion on the subject of religion do not prevent his handling such topics in the press with a freedom which would have startled most of his predecessors on the bench. The learned judge will not, however, require as a disputant the saving grace of the Chief Justice's milder definition of the law, which as a lawyer he repudiates, because the main argument to which the 'Unknowable and Unknown' is directed is orthodox so far as it goes. Mr. Justice Stephen, in the *Nineteenth Century*, condemns the attempt of Mr. Frederic Harrison, another lawyer, and Mr. Herbert Spencer to divorce religion from theology, and will not accept a religion of Humanity or of the Unknowable, whether spelt with or without capital letters. The learned judge thus sums up his views on this head:—

I contend that to expect to preserve the morals of Christianity while we deny the truth

of Christian theology is like expecting to cut down the tree and keep the fruit; that if the Apostles' Creed be given up, the Sermon on the Mount and the parables will go too; that parodies of them are inexpressibly dreary; that to try and keep them alive by new ceremonies and forms of worship made on purpose is like preparing ingredients and charms which would make Medea's caldron efficacious.

The learned judge is, however, very far from being in despair, for he adds:—

But I also contend, on the other hand, that if Christianity does pass away, life will remain in most particulars and to most people much what it is at present.

This idea is further developed in an earlier passage in the paper:—

Love, friendship, ambition, science, literature, art, politics, commerce, professions, trades, and a thousand other matters will go on equally well, as far as I can see, whether there is or is not a God or a future state; and a man who cannot but occupy every waking moment of a long life with some or other of these things must be either very unfortunate in regard of his health or circumstances, or else must be a very poor creature.

Although he thinks the world can get on without theology, the writer fully appreciates its beauties:—

No doubt the great leading doctrines of theology are noble and glorious. To be able to conceive of the world as the work of a Being infinitely wise, infinitely powerful, and, in some mysterious way, infinitely good; to regard morality as a law given to men by such a Being; to look upon this outward and visible life as only a part of some vast whole, other parts of which may vindicate its apparent inconsistency with the wisdom and goodness which are ascribed to its Author, is a great thing. People really able in good faith to look on the world in that light are ennobled by their creed; they are carried above and beyond the vulgar and petty side of life; and, if the truth of propositions depended not upon the evidence by which they can be supported, but on their intrinsic beauty and utility, they might vindicate their creed against all others.

Lawyers who read this disquisition will be apt to attribute the solidity of these views, which contrast favourably with the vagueness of most philosophical speculations, to the practical training of a lawyer. Their cheerfulness is almost an inseparable incident of the successful man of action.—*Law Journal* (London).