

going assertion, that my wharf does not (as the plaintiff pretended) traverse the river or any part of the river. What could you have more?

15. "For the above reasons I must dissent from the judgment dismissing the Appellant's action. I would limit the Respondent's right of property to high water mark, and order the removal of all works beyond this line."

Concluding this branch of the case, in the fifteenth paragraph, you judicially declare that for the *above* reasons you must dissent from the judgment; Above, an adverb, and a preposition, not an adjective, would not have found such a place in a sentence written by any man of education. If when the reasons precede the deduction you can say the *above* reasons, when the reasons follow the proposition you can surely say *for the below* reasons or the *under* reasons: the one is not a whit more barbarous than the other. Thus when in the very first sentence you decide that my wharf has caused Brown *very great damage*, you might have elegantly added "for the before or the after reasons." You have, however, I take it, assigned all your reasons for dissenting, and characteristic as they are, they are submitted for the consideration of a discriminating public.

OF THE COSTS.

16. "On the question of costs, I concurred with the majority of the Court, in refusing fees of office to the Respondent, who appeared in person, and conducted his own case. This is in conformity with the jurisprudence in France. Costs were refused to Mr. Vallières de St. Réal, a practising Barrister at Quebec, so far back as the year 1822,* by the Court of King's Bench, the late Chief Justice Sewell presiding. It has been said that subsequently the Judges had allowed the fees. But the three or four cases cited do not establish this. In one of the cases referred to, the Judge has told me that he had not so decided, and that his opinion was against the claim for fees. Jousse, in the 2nd vol. of Justice Civile, p. 460, No. 38, says:—'*Les avocats qui écrivent ou présentent pour eux dans les affaires, qui les intéressent, ne peuvent se faire payer de leurs plaidoiries ou écritures; sauf à demander s'il y a lieu, des dommages et intérêts à cet égard.*'"

The rights of persons and the question of fees dependent thereon, are to be governed by the Public Law of England,

* I have searched in vain for this decision. It is not to be found, but His Honor did not imagine that I would dare to search, still less to contradict him.