rious times gave judgment, six were in favour of the plaintiff, and six were for the defendants.

RIGHTS OF COUNSEL.

A question involving the rights of counsel has lately come up in England, and has been ruled or advised upon by the judge at Nisi Prius. In an interpleader suit "an eminent serjeant" was retained for the plaintiff. When the case came on for trial, a brief was not given to the serjeant, but to another counsel. The serjeant thereupon dropped a note to the other counsel, informing him of the retainer, and insisting on his right to a brief. Upon reference to the judge presiding, he thought that the retainer should be followed by a brief, and adjourned the case so that an arrangement might be effected. The *Solicitors' Journal* puts it properly and forcibly thus: that the special retainer at the beginning of a suit is to be considered as equivalent to a pledge to deliver a brief in due course, if the case goes to trial.

In *Reg.* v. *Wilkinson, re Brown*, 41 U. C. R., 70, it is said that certain gentlemen appeared as counsel for Mr. Brown, but that he shewed cause in person. It appears not to be settled whether if a party appears in person he may be assisted in the discussion of legal points by counsel. In *Shuttleworth* v. *Nicholson*, 1 Moo. & R., 255, Tindal, C. J., allowed counsel to argue that there was no case for the jury against the defendant in person, but not to cross-examine. But much more reasonable is the view of Alderson, J. in *Mercati* v. *Lawson*, 7 C. & P., 39, where he said that counsel ought to appear as such, or not at all, and he further remarked that if every case were conducted by the party himself, no strength could get through the business. We understand that in the *Wilkinson* case the Court required the litigant shewing cause to elect whether he or his counsel would argue the case, and declined to sanction any division of labour.

DISSENTING JUDGMENTS.

In the Privy Council the practice has been pursued from ancient times of promulgating only the judgment of the majority of the members in cases where there was a difference of opinion among the Councillors. The Order of February 1627, provides that "when the business is to be carried according to the most voices, no publication is afterwards to be made by any man, how the particular voices and opinions went." When the Judicial Committee of the Privy Council was constituted by the Act of 1833, it was enacted that appeal causes and matters "shall be heard and a report made to His Majesty in Council for his decision thereon as heretofore, in the same manner and form as has been heretofore the custom with respect to matters referred by His Majesty to the Privy Council." And so it happens that reasons for the judgments of the Privy Council are delivered by one Judge, who speaks for and in the name of all. There is a different practice in the House of Lords, where each peer, can, if he pleases, enunciate his own views, and agree with or dissent from those of the others. The dissentient judgments in appeals to the Lords thus come to be reported—not so with regard to appeals to the Privy Council. In this Province it has always been usual for the members of the Court of Appeal to deliver separate judgments and dissentient judgments of the minority receive equal consideration at the hands of the reporter, with those of the majority who agree as to the result of the appeal. We perceive from the published numbers of the Reports of the Supreme Court of the