

OUR ENGLISH LETTER.

character, and the three presiding judges will have as much difficulty in explaining the law as the jury will find in deciding upon the facts. The case is certainly not one in which any prudent man would care to anticipate the decision of the Court; and, as a proof of the veracity of this statement, it may not be amiss to introduce a criticism which is attributed to the oldest and the most experienced of the law reporters. He looks forward, he says, to the realization of the dream of his life, which is to hear three judges sum up in triangular opposition to one another before a jury of whom no two will be in agreement. The presiding judges, Lord Coleridge, Baron Huddleston and Mr. Justice Grove are a good tribunal for the purpose. The second is, according to report, a thorough believer; the first has the religious feelings of a thoroughly respectable member of graceful society; the third is a man of science and an Agnostic. We had all hoped to listen to the summing-up on yesterday morning, but the sudden indisposition of the Chief Justice who has fallen a victim to lumbago has further delayed the end of a trial in which the agony had already been intensely prolonged.

The Privy Council are engaged in the consideration of a Canadian appeal upon a question of paramount importance to the profession in the shape of a case entitled *Reg. v. Doutrè*. There is a double question involved, firstly as to whether a member of the Canadian Bar is entitled to proceed by way of Petition of Right for the recovery of a quantum meruit for services rendered to the Crown, and secondly whether the rights of the parties are to be governed by the law of Quebec, Ontario, Nova Scotia or England. The circumstances are probably familiar to your readers, and consist in the fact that Mr. Doutrè, Q.C., was not satisfied with a fee of \$8,000 which was awarded to him for services in connection with the Fisheries

Commission in Nova Scotia. In this opinion he was supported by the Exchequer Court of Canada and also, nominally speaking, by the Supreme Court of the Dominion. That is to say, the Court consisting of six judges was equally divided, and judgment was therefore given for the respondent in the appeal.

The circuit question has at last received a final solution. For the future no more than ten judges will ever be absent from town simultaneously. That is a fact which has been known for some little time; but the ingenious system by which it is to be managed has only just been published and proven, if it proves nothing else, that the old system was a very bad one, and that the judges in council assembled are thoroughly familiar with the intricacies of Bradshaw's Railway Guide.

In touching on the case of Mr. Doutrè I missed an opportunity of mentioning another case of a purely English character with regard to the subject of recovering fees. A rather disreputable member of the English Bar has recently attempted to use the disciplinary jurisdiction of the Court with the view of enforcing payment of fees by a solicitor whom he alleged to have defrauded him. The solicitor in question gave a very different account of the circumstances, saying that the barrister had induced him to guarantee the payment by him (the barrister) of certain tradesmen's accounts in a town in the Midlands, and that he had retained the funds because, owing to the default of the barrister, he had been compelled to pay the money due. Mr. Justice Mathew characterized this as a most unwarrantable and discreditable attempt to use the disciplinary machinery of the Court for a thorough unrecognized and illegitimate purpose.

London, June 21.