

"each judge thinks his own opinion quite as good as that of any other judge, or bench of judges expressed at different times, and rather better."

The writer of the letter in *The Legal News* continues in this strain:—"I have very little hesitation in saying that the decisions of our Courts have a larger degree of uncertainty about them, than those of the Courts of any country with which we are familiar. And why? Because the judges in our Courts have not sufficient unanimity—or unity, perhaps, would express it better—in their bearing towards the jurisprudence of the Province as a whole; but treat each case separately and individually, and sometimes with very little regard for the opinions of each other."

We agree with our contemporary in one of his remarks, and that is that there should be no cast-iron rule, but that the matter should be left to the discretion and wisdom of the judges themselves, to decide when they should yield their individual opinion, and refrain from entering a dissent. As we know, some judges have no discretion, even when an Act of Parliament confers it upon them. The initial numbers of the Supreme Court Reports of the Dominion appear to us of evil omen from the length and repetition and conflict in the different judgments reported, and they suggested our protest against the manner of enunciating the conclusions of the Court. In such a Court, it would be well, in our view, to follow the English and United States precedents to which we have adverted, and, without making use of a "pious fraud" by concealing the dissent of any member of the Court, yet not emphasizing that disagreement by reporting it at length, we would in every such case hope that the old distich might be verified:

"The judge dissents. Kind Lethe on its banks
Receives his honour's useful gift with thanks."

COMMUNICATIONS.

BRASSARD V. O'FARRELL.

To the Editor of THE LEGAL NEWS:

Sir,—As the judgment of the Court of Queen's Bench in *O'Farrell v. Brassard* furnished the subject of an editorial in THE LEGAL NEWS, and was therein highly commended, I think it is but justice to those who may not take the same

view of the case, that the subjoined opinion should be published in your columns.

In addition to the statement of facts, the eminent counsel had before them all the documents, extracts of the record and texts of local law which had any bearing on the case, and which I had taken good care to transmit to them.

I have the honor to be, Sir,

Your most obedient servant,

W. C. LANGUEDOC.

Quebec, April 2, 1878.

JOHN O'FARRELL, Appellant, Plaintiff in Prohibition in Court below, v. THE COUNCIL OF THE SECTION OF THE DISTRICT OF QUEBEC OF THE BAR OF THE PROVINCE OF QUEBEC, THE SYNDIC, A. R. ANGERS AND H. BRASSARD, Respondents, Defendants in Prohibition in Court below.

Case Submitted to Counsel.

The Bar of the Province of Quebec is incorporated by Act of Parliament, and invested with the following rights:—

To admit candidates to the study of the law.

By its diploma, signed by the Batonnier, countersigned by the Secretary, and sealed with the seal of the section of the Bar, to confer the right of practising as an Advocate, Barrister, Attorney, Solicitor and Proctor-at-Law, in all Courts of the Province, upon those to whom it is granted.

To maintain the discipline and honor of the Bar.

To censure any member guilty of any breach of discipline or any action derogatory to the honor of the body, to deprive such member of the right of voting and even of assisting at the meetings of the section, and to suspend him from his functions.

All these powers are conceived to be franchises of the Corporation of the Bar.

The council of each section, with regard to such section, represents the members of the Bar, whenever the interests or duties of the profession require it.

These are the principal features of the Act of incorporation.

In 1874, the Syndic of the Bar, section of the district of Quebec, as bound to do, submitted to the council an affidavit of one Hypolite Brassard, relating to certain conduct of the appel-