

duty as a member of the Bar, to read the factum which has called forth these severe remarks, but I have heard nothing from the Court to justify them.

Mr. JUSTICE AYLWIN,—“ And by what right, Sir, do you presume to address the Court in this matter ?”

The Hon Mr. CARON,—“ I rise to address the Court, may it please your honors, as *Bâtonnier* general of the Bar of Lower Canada.”

Mr. JUSTICE AYLWIN,—“ I recognize no such officer or person, and let me tell you, Sir, that I would advise you to reserve your lecture for some other place: the Court will not permit your interference in this matter.”

Mr. HOLT,—“ As the Court has declared its intention not to hear the appeal in this cause until the factum of the Appellant shall have been withdrawn and corrected according to the views of the Court, and as the Attorney has no right to allow his personal feelings to interfere with his duty to his client, I shall not hesitate to make the required motion, but I take the liberty of declaring, at the same time, that I cannot admit the justice of the censure passed upon me by the Court, and that I respectfully deny the right of the Court to impose the conditions which it has imposed upon the hearing of this case. I protest against this course as an invasion of the rights of the profession, and beg the Court distinctly to understand that in obeying its order in this instance, I yield to force.”

Mr. JUSTICE AYLWIN,—“ There is no force, Sir, and let me tell you, Sir, that the Court knows well how to cause itself to be respected, and if you are not more careful, Sir, it will have no scruple in using those powers with which it is invested.”

Mr. HOLT then moved that the Appellant's Attorneys should be allowed to withdraw their factum and to remove therefrom such expressions as were stated by the Court to be offensive, which motion the Court granted. The Court then adjourned.

TUESDAY, 7th October.

P R E S E N T :

MR. CHIEF JUSTICE ROLLAND,

“ “ PANET,

“ “ AYLWIN.

The Clerk of the Court called the case of—  
MACPHERSON—Appellant.

vs.

DINNING—Respondent.

Messrs. HOLT and IRVINE for the Appellant.

G. O. STUART, Esquire, for the Respondents.

Mr. CHIEF JUSTICE ROLLAND,—“ Mr. HOLT, the Court observes that the factum in this case has been corrected, and the case can now go on.”

Mr. HOLT,—“ Before entering upon the merits of this case, the

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