

17. "Were it required to cite any case to show the wisdom of the Rule, the present might very properly be selected. The zeal of the Respondent, carried to excess, has not only caused angry discussions between him and the Experts, but it has led to violent altercations with at least one witness, who has instituted against the Respondent an action of damages for slander, lately submitted to this Court."

An Englishman arrived in Canada for the first time in 1854. He reached the *Parish* of Beauport in December, and probably never saw the river free from ice and snow until May or June, 1855. Nevertheless, produced as a witness by my adversary, this man undertook to describe the condition of the river in September, 1852, two years and three months before his arrival: and in your judicial capacity you would have interdicted such remarks in the exercise of the right of self-defence, as would be naturally wrung from any defendant on such an occasion. "And if," says the Lawyer, "had the case been yours would that have been your opinion? Your son-in-law seems to have imbibed some of your views, and he evidently imagines himself to be invested with some of your authority. He has accordingly made a report which has been severely animadverted upon by all the Judges, yourself only excepted. I am not, however, aware that he complains of my personal deportment, and on the contrary I have understood, that all the experts had used in reference to my conduct in their presence complimentary language. It is certainly my earnest desire, and invariable custom to be civil. It is indeed with me a constitutional necessity, but then one occasionally meets people so coarse and swinish!"

18. "Had the judgment awarded costs to the Respondent, how could a Judge in vacation have taxed, in favor of the party, the fees of office allowed to the Attorney? Let it be remarked that the Provincial Statute authorises Courts of Justice to make a Tariff of Fees, in favor of practising Attorneys, but does not authorise them to grant them to either party, Plaintiff or Defendant. The Court therefore could not grant the Respondent any more than it would have awarded had he been a trader or a mechanic. This appears reasonable. Were a different rule laid down, a practising Attorney might become the terror of his neighbors."

A practising attorney waging an aggressive warfare might be obnoxious to the suspicion of terrorism which you suggest—but it cannot apply to an unhappy man, acting as I do, *purely on the defensive*! Then you know that there is a canon which settles the point, *cessante ratione cessat lex*.

The rule that you have laid down is, however, as a measure