

supposing that Mr. Justice Crosby deemed himself incompetent." There can be no better ground for such a supposition than the general rule which lays down that no man shall be a judge in his own case. It would be more conclusive for the theme which you seem desirous to support, if you could find a case where a man had sat in his own case. It might perhaps be some answer to the general principle, which seems to be based on the laws of morality, and to the case of the King v Lee, 12 Mod., p. 514, cited by me, which no one has attempted, so far as I know, to answer. The judges of the Court of Queen's Bench, and a certain class of politicians, may twist and turn the matter as they will, but they will never get unprejudiced people to believe, whatever they may think of the abstract merits of the case, that Mr. Drummond was morally justifiable in taking up in the Court where he sat alone a pretended contempt which, if a contempt at all, was a contempt of the whole Court, and which the whole Court for an entire term refused to notice. He may protest that he was not avenging from a place of safety a personal affront; but his protestations will make no converts.

Your obdt. servt.,

T. K. RAMSAY.

Montreal, 12th May 1867.

[It seems to us that the material point is whether Mr. Justice ROLLAND abstained from taking an active part in the proceedings against Mr. DRISCOLL, because he deemed himself incompetent. If it was illegal for him to take an active part, was it not equally illegal to sit when the rule issued? We have the best authority for stating that Mr. Justice AYLWIN would not have dealt with the case, unless Mr. Justice ROLLAND had consented to take part, and we see nothing slanderous in supposing that Judge ROLLAND wished to have as little as possible to do with a disagreeable matter. We are far however from advocating the propriety or expediency of the Judge, against whom a contempt has been specially directed, disposing of it alone, whenever such a course can possibly be avoided. On the contrary, we have all along

inclined to the opinion that in the present case it was incumbent on the Court of Queen's Bench, which met on the 1st of September last, to take notice of the letters complained of. If the majority of the judges had been averse to taking any steps, then, in our humble opinion, it would have been better to have let the matter rest. In the recent remarkable case in Nova Scotia (which we hope to be able to give next month), where Mr. WALLACE, a barrister, wrote an insulting letter to the CHIEF JUSTICE of the Supreme Court, the judgment suspending Mr. WALLACE was pronounced by the CHIEF JUSTICE himself who, however prefaced his judgment with the words: "The judgment I am about to pronounce is to be taken as the judgment of the whole Court," (Law Rep. 1 P.C. 237.) But while admitting that it is more *becoming*, where an individual judge has been insulted, that he should not move in the matter alone, we have seen nothing to show that such a course is illegal, and it appears to us in some instances (as where a judge is alone in a rural district) almost unavoidable. Ed. L. J.]

THE LOWER CANADA REPORTS.

The issue of the *Lower Canada Reports* has been suspended since December last, and it is stated on good authority, (though we have seen no official intimation of the fact,) that it will not be resumed. This series of reports was authorized by an Act of the Provincial Legislature, under which a tax of \$5 per annum was imposed on members of the bar and various legal functionaries for its support. At this time no citable reports were published in Lower Canada, and the want of them was greatly felt and deplored. The tax, however, did not prove very popular, and has not been collected for several years back. Of late years the cost of preparing and editing the reports has been almost entirely defrayed out of the public monies, the Public Accounts showing that over \$2,500 per annum has been paid for this purpose to M. Lelièvre, the late editor. The L. C. Reports comprise sixteen volumes, and contain the valuable reports prepared by one of the most eminent practitioners in Canada, A. ROBERTSON, Esq., Q. C., one of the Montreal *collaborateurs*.