

there were seven dissenting judgments, and, with all respect, in several of these cases I would agree with the conclusion arrived at by the dissenting minority Judge. I am much struck with the language of His Lordship Mr. Justice Riddell in the disposing of the case of *McMullen v. Wetlaufer*, 7 O.W.N. 799, where, discussing the judgment in the case of *Clements v. Ohrly*, he says, 'If the meaning of the language as used in *Clements v. Ohrly* be more than what I have narrated, and Lord Denman intended to lay down a rule of law, he should not be followed. We cannot abjure our common sense at the bidding of any person, however eminent and able, Judge or not, English or otherwise.' Now, it cannot be thought by any stretch of imagination that any Judge of a County or District Court should be allowed such freedom of exercise of common sense. The only benefit which comes to him from such cutting loose from authority is to enable him to see, as through a glass darkly, the process of reasoning by which a Judge of the Supreme Court is able to, as it were, sidestep or overlook a prior decision of even a Divisional Court. And to this extent I am assisted by the varying conclusions which have been submitted to me as authority in this case."

Or if we wish to see how cutting a Judge can be on a litigant, of whose conduct he disapproves, we may find it in the following remarks of a learned County Court Judge in a case in which the Morrisburg and Ottawa Electric Railway was plaintiff. The Court said:—

"I have gone into Mr. L.'s case at this length, not because I ever thought for one moment that he ever had the shadow of a defence in this case, but because I thought it so extraordinary that a man in Mr. L.'s position in this matter would have such a defence and counterclaim framed for him as appears on the record herein, and, not satisfied with that, should have procured the allowance of such an amendment to the record as he has procured. If it is the air of the Capital city which has produced the strength of nerve which this defendant evidently has, and if the general public could be made to believe it, the rush