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AN IMPERIAL COURT OF APPEAL.

The *Law Journal* (London), of Aug. 2, says: "The Judicial Committee of the Privy Council has finished its list and given judgment in every case. Since the improvement of the colonial tribunals and the establishment of Courts of Appeal, particularly in Canada, the business of the Judicial Committee, once very much in arrear, has become less and less. It would tend to uniformity in the law of the empire if the jurisdiction of the Privy Council were merged in that of the House of Lords, and the decisions of the lords would undoubtedly carry more weight in the colonies than those of the Privy Council at present carry. The tendency of recent legislation has been to make the *personnel* of the Judicial Committee identical with that of the law-lords, and the transfer of jurisdiction might be effected by a very slight constitutional adjustment. Mr. Forster and the friends of confederation might try their hands on this subject."

THE QUEEN v. DOUTRE.

It is a pity for two reasons that this case was carried to the Privy Council. In the first place, it seems that the only question of law was not raised, and that the principal question of fact was almost admitted. Their lordships say:—"It is not matter of dispute that according to the law of Quebec, a member of the Bar is entitled, in the absence of special stipulation, to sue for and recover a *quantum meruit* in respect of professional services rendered by him, and that he may lawfully contract for any rate of remuneration which is not *contra bonos mores*, or in violation of the rules of the Bar." And further on, they thus deal with the facts: "It is not maintained that the amount awarded by the learned judge is excessive, if the respondent has a right of action, and that right is not barred by the alleged arrangement of May, 1877." If a member of the Quebec Bar is entitled, in the absence of special stipulation, to sue for and recover a *quantum meruit*, and if it be admitted that in the particular case the amount demanded was not excessive, it was scarcely necessary to enquire so elaborately whether Sir Albert Smith's testimony established a special stipulation, or to ventilate Mr. Justice Gwynne's "pardonable error" in mistaking the Act of 1875 for the Petition of Right Act of 1876, and in confounding two things "essentially different—'right' and 'remedy.'"

From another point of view it is to be regretted that this very simple domest matter should not have been decided i Canada. Taking as exact the points sub mitted by the appeal, as set forth in the opinion of the Judicial Committee, the judgment is irreproachable, but unfortunately, to to a good judgment a dissertation has been tacked on, which gives rise to considerable difficulty. The London *Law Journal* slyly suggests that "on a subject of so much interest the judgments in the Court of Appeal and the House of Lords would have been doubly interesting." We should then have the opinions, *seriatim*, of judges responsible for their utterances, instead of a rambling note, over which no one but the registrar has an individual influence. It is difficult to suppose that any eminent English lawyer, writing deliberately of the professional disability to sue for fees, should say that it "may be supported by usage and the peculiar constitution of the English Bar, without attempting to rest it upon general considerations of public policy." It is not more easy to understand the sentence immediately following: "Even if these considerations (public policy) were admitted, their lordships entertain serious doubts whether, in an English colony where the common law of England is in force, they could have any application to the case of a lawyer who is not a mere advocate or pleader, and who combines in his own person the various functions which are exercised by legal practitioners of every class in England, all of whom, the bar alone excepted, can recover their fees by an action at law." Surely if there be reasons of "public policy" which