

In conformity with that practice, you yourself, Mr. Justice Duval, have granted costs in such a case. It bore the No. 1085, and by the judgment dated 28th June, 1851, which you pronounced, fees were allowed to the plaintiff, Lawrence Ambrose Cannon, who, suing as advocate and attorney, had appeared in person. In that case too the attorney for the defendant, a widow, had compassionately made the objection. The reason assigned for denying me fees was, however, that I conducted my own case—a point relative to which no kind of evidence was adduced.

I am in possession of office copies of your judgment, nor am I aware of adverse decisions, and the Court certainly cited none.

Judges who adjudicate upon the fact are apt to sneer at Juries. Jurors are certainly not perfect, but they are a check upon Judges. The latter are no better than other men, and I have known Judges much worse. To grant or deny costs at pleasure was in France a common mode of favoritism, and in that country the Legislative power seems to have been incessantly engaged in promulgating edicts for the repression of that abuse. You will have noticed that the successful suitor who was denied his costs had a right of action against the unjust Judge who pronounced the judgment, and it is my intention to institute against you such an action. Of course, we shall then hear a great deal of the immunities and privileges of English Judges, but on that occasion I shall have a word or two to say, and won't anticipate.

You rely upon Jousse, and make light of Serpillon. The difference between them is this, that Jousse gives his own opinion, Serpillon the opinions of earlier writers confirmed by his own. But Jousse speaks only of the *Avocat*? How does that apply to what from your judicial eminence you call a "Practising Attorney." Then Jousse admits the right of the *Avocat* to sue for compensation by a distinct action. The two authors then only differ as to the manner in which the claim should be enforced. According to Jousse I could bring an action to recover "*des dommages et intérêts à cet égard*," against my adversary. According to all the other authorities I am entitled to recover in the original action. Which course do you prefer, a single action decisive of the whole controversy, or a series of them?