

PREFACE TO THE FIRST VOLUME.

The Editors think it right to place of record an explanation of their motives in originating *THE LOWER CANADA JURIST*.

The object has mainly been to supply to the profession and the public a periodical publication of the most interesting decisions pronounced by the Courts having jurisdiction in civil matters in Lower Canada. It has been well observed by high authority,* that the reports of judicial decisions contain the most certain evidence, and the most authoritative and precise application of the rules of the common law. Adjudged cases become precedents for future cases resting upon analogous facts, and brought within the same reason. A solemn decision upon a point of law arising in any given case, becomes an authority in a like case, because it is the highest evidence which we can have of the law applicable to the subject; and the judges are bound to follow that decision so long as it stands unreversed, unless it can be shown that the law was misunderstood or misapplied in that particular case. It is by the notoriety and stability of such rules that professional men can give safe advice to those who consult them; and people in general can venture with confidence to buy and trust, and to deal with each other.

Such, then, being the importance of law reports in all civilized countries, they have a special value in Lower Canada, which derives its jurisprudence as well from France as from England, and in which the not infrequent conflict between opposite systems of law, renders it indispensable for the fixing of the jurisprudence that a faithful record of the decisions of the Courts and the reasoning of the Judges should be preserved and published in the country.

Prior to 1850, nothing had been done by the Legislature to secure so great a boon. Although Upper Canada had had periodical reports of the decisions of her tribunals for nearly twenty years before, and although almost every State of the American Union had had for many years its official reporter of such decisions, yet in Lower

* Kent.

U. W. J. L. W.