

"against a solvent defendant for maliciously and without probable cause bringing an action.

When he deliberately wrote and published that that was the *question*, he knew that it had ceased to be a question, that it was no longer a question, for the Court of Appeal, to whose decision it was his duty to defer, had *six years before determined*, had *decided* the question, had *six years before* settled it. He knew that no second demurrer had been filed, that the defendant had acquiesced in the decision of the Court of Appeal, and that the then sole question was the want or existence of probable cause. Thus, he *individually* (Mr. Justice Stuart) seems to have imagined that he had an inherent right to overrule, to reverse, and set aside the decisions of the Court of Appeal; for his commission certainly did not invest him with that right, but, on the contrary, constituted him a member of an *inferior* tribunal *subordinate* to the Court of Appeal. There is a madman of the name of Moses in the Beaufort asylum who imagines that he has the power of annihilating the sun, moon, and all the stars, and of setting up a very much superior system of his own manufacture.

So Robespierre, before he became corrupted by the possession of absolute power, was a liberal and even a philanthropic man. But if this be a free country, we are all interested in resisting—entitled to resist, and even bound to resist—the assumption of irresponsible power. Now, a Judge who imagines that he cannot by any possibility commit a mistake, and that no other men of any age from whom he differs can by any accident (whatever their number or their genius) be right, may become a dangerous lunatic, unfit to be entrusted with the administration of any branch of the law in the lowest court of "*pie powder*."

"Order is heaven's first law," and unless it be understood that litigants may resort, *must* resort to the revolver, every individual must be compelled to surrender his individual will