

Case he adopts a different Course; he throws aside the Words of the Act, directs our Attention to the Practice of Mr. Osgoode, and assures us that the Judge (like Ambassador Randal) *was known to Men of great Eminence!* And in order to prove that Twenty Wrongs make *One Right*, he asserts that the Act was violated by Messrs. Elmsly, Powell, Scott, Russell, Powell, Thorp, Campbell, Boulton, Sherwood, and Willis.

But how came the Act to have been violated by Judge Willis? Because, upon his Arrival in this Province, he supposed that Judges Campbell and Sherwood, who were on the Bench, *read and understood* the Act constituting the Court of King's Bench, and strictly adhered to it. But when, from the Practice of the Court, he found it to be any thing but what it professed to be, "a Court for the general and regular Administration of Justice throughout this Province," he had recourse to the Act himself, and discovered the Illegality of his Proceedings. Upon this Discovery, what was the Conduct of Judge Willis? Did he, as has been unfairly represented, keep the Discovery to himself, and wait the approaching Term for its Publication? No. He communicated, as we have been recently informed, the Result of his Enquiry to his Excellency and to Judge Sherwood, in the Hope that the *only* Means which the Constitution points out to remedy the Evil would be adopted. Yet no Steps have been taken, if we except the Amoval of the Judge; but this will not cure the Evil!

The Attorney says, (speaking of the Act of 1794,) "if a Construction thus uniformly acted upon, and thus confirmed, is not to be considered as settled, but may be overturned by any succeeding Judge, there is no longer Certainty or Safety in the Law." And in speaking of doubtful Conveyances, he says, "it has been declared by high Authority, that the Courts would not now suffer a Question to be raised which would disturb a great Portion of the Landed Estates of the Kingdom."

Before putting such Reasoning upon Paper, the Attorney should have read and taken into Consideration his own lengthy and laboured Arguments upon the Alien Question. Was not the Right of Aliens to hold Lands and enjoy the Privileges of British Subjects uniformly acted upon and confirmed by the Court, and considered as settled by all the Community? Yes; and that supposed Right has been overturned; and the Question which led to its Overthrow was raised by the very Gentleman who makes use of the above Arguments, or by his most intimate political Friends! Although at the Time of bringing forward the Question, they knew full well that it might disturb and uproot, not only a *great Portion*, but the Whole of the Titles to the Landed Estates in this Province.

He speaks of the *Certainty and Safety of the Laws*, and we shall meet him with the Language of Chr. Fitzgibbon, when commenting upon the Infamy of a Baron of the Exchequer.

"Where is the Certainty, where is the Safety of the Laws? Where can they be found? Surely not in this Country, where Laws, which were intended to be equal for all, are warped to the private Convenience of those who have been made the Administrators of them. Instituted at first for the Protection of all, they are made to defend the Usurpations of a few; and as the People continue to respect them, while those to whose Guardianship they are intrusted make little account of them, they, at length, have no other Effect than that of supplying the Want of real Strength in those few who have placed themselves at the Head of the Community, and rendering regular and free from Danger the Tyranny of the smaller Number over the greater, the Oppression of the rich over the poor, the Encroachments of the powerful over the weak.

"To remedy, therefore, Evils which thus have a Tendency to result from the very Nature of Things; to oblige those who are, in a Manner, Masters of the Law, to conform themselves to it; to render ineffectual the silent, powerful, and ever-active Conspiracy of those who govern; requires a Degree of Knowledge and a Spirit of Perseverance which are not to be expected from the weak, the poor, or the Multitude; but can only be found in that Kernel of Knowledge—a pure and independent Bar, and a virtuous and watchful Press."

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