

into disquisitions involving any conflict of laws, but studiously avoid setting up my individual opinion in opposition to that of the Judge. It is enough for me that the law contradicts him, the written law quoted below, intelligible to every one who can read and understand English.

The article 1053 of our Civil Code is in the under-written terms :—

“ Every person capable of discerning right from wrong is “ responsible for the damage caused by his fault to another, “ whether by positive act, imprudence, neglect, or want of “ skill.” This was the old law of France, and is the subject of the articles 1382-1383 of the Code Napoleon.

Now, I put to every reader of intelligence the question which the Judge was bound to ask himself :—

Seeing that I had proved that my adversary, the wrong doer, had brought against me four actions complaining that I had committed the very injuries that he had inflicted and I had suffered—seeing that he always failed, always appealed, and had been defeated eleven times—that he bought up my debts and sued me fifteen times, (as I alleged, and the Jury believed,) with intent to ruin me, and from sheer malice—seeing that I lost twenty years of my life in defending myself—was this a mere *recriminatory action* brought by me, as the Judge alleges, because of “ the bringing of an action ” (one action) “ without good ground ” by my enemy. If one and four were convertible terms, having the same meaning, the Judge would possibly be less open to censure, but I state the fact simply.

Here it is necessary to advert to the text of Judge Stuart’s above-written declaration. In the first line of the third paragraph written after the trial, at a time at which all the proof was of record and perfectly accessible, he intimates that the question, &c., was “ whether the bringing of an action “ gives rise to recriminatory action, or whether an action lies