

## JOHN WALPOLE WILLIS.

ing this period that Mr. Willis was on the Bench. There is a preface to the original edition of Mr. Taylor's Reports, which, however, refers to Mr. Willis. Speaking of the Court of King's Bench, then the only superior court in Upper Canada, the Reporter says: "The following Chief Justices have presided in it since its establishment: Chief Justices Osgood, Alcock, Elmsley, Scott, Powell—Judges, Cochrane, Thorpe, Russell, Scott, Powell, Boulton—Attorneys and Solicitors General, Scott, White, Weeks, Firth, Boulton, McDonell. The Bench is at present filled by Chief Justice the Hon. William Campbell—Judges, the Hon. Levius P. Sherwood and John Walpole Willis."

This preface is not reprinted in subsequent editions. This is a mistake. It contains much that is of historical interest to the profession. The editor takes occasion to deprecate the conjunction of the profession of barrister and attorney, and enumerates some of the disadvantages of, and objections to, that system. He tells us that the number of actual practitioners in his time was about seventy-five. He alludes to the then growing necessity for some simple court of equity, which up to that time had not been required, owing to the simple nature of transactions and absence of trusts, that fruitful parent of litigation and aggravation of spirit.

We venture to assert that a large proportion of those at present practising in our Courts never heard even of many of the early occupants of the Canadian Bench. It would be very interesting if some lover of his country and his profession would devote some spare time to a collection of reminiscences as to these old worthies of the law. We would gladly open our columns for something of the sort. It is now fifty years since Mr. Willis presided at the Court of King's Bench in "muddy little York." He outlived not

only his brother judges, but all those who practiced before him. Not one of the counsel mentioned in Taylor's Reports is now living, and several of them died Chief Justices years ago, before numbers of those now at the Bar commenced their studies.

Some of the incidents in the life of Mr. Willis are referred to in Sir Francis Head's Reminiscences. He and Lady Willis are also alluded to in Dr. Scadding's Toronto of Old. Mr. Willis not only held a judicial appointment in Canada, but was for some time a colonial judge in the supreme courts of British Guiana, and New South Wales; and he was the first resident Judge of Victoria. The *Law Times* in speaking of him says: "Mr. Willis' career as a colonial judge was signalized by two remarkable episodes. Whilst acting as judge of the supreme court of Upper Canada [King's Bench] a judgment was given by him to the effect that certain political prisoners were illegally detained in custody. In consequence of this the Governor of Canada [Sir John Colborne] peremptorily dismissed Mr. Willis from the Bench. The Judge appealed to the King in Council, and it was decided that his judgment was right, and he was reinstated in his office. Afterwards Mr. Willis was sent to the West Indies to adjust compensation claims under the Slavery Emancipation Act, and held other judicial offices. When Victoria was first erected into a separate government Mr. Willis was appointed judge of the district, but in 1843, in consequence of a judgment he gave against the legality of the proceedings of the Colonial Government with regard to waste lands, Sir George Gibbs, the Governor of New South Wales, dismissed Mr. Willis from his post of judge of the supreme court. The colonists generally sided with the judge, who appealed again to the Privy Council, and again, after a protracted litigation, with success. Sir