

considered it was casting a censure on the conduct of the Court of Kings Bench which he could not listen to. The plaintiff did not produce any notice of the sale whatever, nor show that any such was given previous to the sale taking place. Upon this and some other points, I moved for a non suit, and the Judge reserved the points. We were also anxious to show that Colonel By required the property for the Government use, for the purpose of the Rideau Canal; this evidence the Judge refused receiving. In fact, he seemed unwilling that any point that could operate in yours or the tenant's favour should go to the Jury; and as the Jury at that Assize were persons little acquainted with their duty or with the Courts of Law, they implicitly followed the directions of the Court, which, in this case, was for the plaintiff and gave a verdict accordingly.

I remain,

Your obedient servant,

THOS. RADENHURST".

Firth, prompted by Randall, decided to appeal and then occurred what would to-day be considered nothing short of a travesty, but what at that time was a somewhat common occurrence and had been held by the Privy Council to be quite proper.

As explained, neither Campbell or Willis nor Sherwood could sit so that when the appeal came up for hearing there sat Mr. Justice Hagarman alone as the whole Court, and he solemnly confirmed his own judgment at the Assizes.

This condition of affairs prompted the House of Assembly of Upper Canada to forward an address to His Majesty, bringing to his attention the condition of the Court of Kings Bench in the Province. Reference is made to Judge Hagarman alone constituting the Court of Kings Bench in the following words:—

"In Michaelmas Term last Mr. Justice Hagarman alone constituted our Court of Kings Bench, wherein he confirmed his own questioned judgment at the preceding Assizes, in a trial in which Mr. Justice Sherwood was interested; the