

Willis's Understanding ; for how could it be supposed that the legal Opinions of a mere Judge of the King's Bench would bear any Comparison with those of the Editor of the Gazette? They would be "Hyperion to a Satyr"—the meridian Sun to a Farthing Rushlight.

Of all the Journals in this City the Gazette stands alone in his Abuse of Judge Willis ; and as, in his Article on Monday, he makes allusion to "adulatory Terms applied to him (Judge Willis) by some of his Contemporaries in this "City," among whom we are included, we could not well pass over in Silence the high Encomium which he has thereby paid to us.

Inclosure, No. 17.

Extract from the *Canadian Freeman* of 21st August 1828.

*Court of King's Bench.*

WE copy the following Remarks on the Attorney General's Opinion against that of Judge Willis on this Subject, from the York Observer, and think it must be admitted that Counsellor Carey has floored the Attorney General most completely. We repeat it, that it is a Pity Carey is not called to the Bar ; we see no reasonable Objection to this. Carey knows more Latin than the Solicitor General ; for in quoting the Phrase "*fiat justitia*," &c. the other Day, Carey was correct ; while the Solicitor, in attempting to quote it before the House of Assembly some Time ago, called out "*ruat justitia*," which every School-boy knows was wrong. It is also evident, by the following Remarks, that Mr. Carey is a Man of more legal Research than either the Attorney or Solicitor, and therefore we hope soon to see him raising his lofty Figure to display his masculine Eloquence at the Bar. We think it appears evident from the Authorities referred to, that the Appointment of Messrs. Hagerman and Sherwood to go the Circuit is not strictly according to Law. If so, the Rule laid down in one of the Law Reports will apply directly to them, which says, that if a Judge, who hath no Jurisdiction of the Cause, give Judgment of Death, and award Execution, which is executed, such Judge is guilty of *Felony*, and also the Officer who executes the Sentence. Now if it should turn out that the Arguments of Judge Willis and Counsellor Carey are correct, Messrs. Sherwood and Hagerman stand upon very ticklish Ground. We shall see more about it by-and-by.

(From the *York Observer*.)

Judge Willis and the Attorney General.

*Remarks upon the Attorney General's Opinion.*

The Attorney General says, "that Chief Justice Osgoode, who framed the Act of 1794, never, during the Time he was in this Province, sat on the Bench together with Two Puisné Judges." But what of that? It only confirms the old Saying, "that Law Makers are Law Breakers." If he did not comply with the plain and forcible Meaning of the Act which he himself aided in making ; if he thought proper to sacrifice the Provisions of the Statute to his own Convenience or to that of his Brethren on the Bench ; all we can say is, that we are happy Judge Willis has not followed his Example.

Of all Lawyers in this Province the Attorney is the last that should bolt from the Words of the Statute, and throw himself into the Saddle of one of its Violators. Surely he cannot have forgotten his own Declaration upon the Discussion of the Repeal of the 44th of the late King? During the Discussion of the Bill, it was declared by those who framed or assisted in the passing of the 44th of the late King, that it was never meant to apply to the King's Subjects. In reply to which the Attorney asserted, that he did not care what might have been the Intention of the Members who framed and passed it ; he should read the Words of the Act, and be governed by their Meaning, and not by the Assertions or Acts of those who aided in the framing or passing of it. In this