

could any lawyer affect to give advice, nor any citizen learn what in any given contingency might be his fate. I was misled by Judge Stuart. Anxious (after 19 years of litigation) for relief—afraid of additional delays if I recused him—believing him to be a man of veracity and honor, not without moral courage, I inferred, from the suppression to which I have adverted, that he would carry out the judgment of the Court of Appeal. And if he *had* resolved to *oppose* the Court of Appeal upon a point *not then submitted* for his decision but *long since decided*, it was a ground of recusation of which he alone was aware, and should have been included in the declaration that he had made—for the omission of such a fact—a fact of which he and he alone was aware, led irresistibly to the inference that no such ground of recusation existed!

On the fifth of June last, when the judgment was pronounced, however, he for the first time intimated that he had *not* changed his mind, and concurred *on that ground* with another Judge (who assigned other reasons) in dismissing my action. I maintain that it was then too late to state a fact which, until that moment, had been known only to himself, and which should have formed part, and the *principal* part, of the declaration that (affecting to conform to the 179th article) he had made on the 4th of April preceding. It is this suppression, which cost me \$20,000, of which I complain, and which from my stand-point, in my opinion, constitutes a crime.

But as Judge Stuart, forgetting his relative position in the judicial hierarchy, sets himself above the Court of Appeal, and by words and acts censures it for sustaining what he styles “a *recriminatory* action,” so he has disobeyed the law, the written law. I think that I know his opinion of Chief Justice Duval as well as I do my own, but there are other Judges on the Bench of the Court of Appeal, and besides, in this case, he has ranged himself on the side of Chief Justice Duval.

Writing for laymen, I must not only refrain from entering