

argument were almost abnormal, while his power of eloquent and subtle exposition had no rival among the public men of those times".

So bitter were Rolph's attacks on the judiciary that the enmity between him and the Judges subsequently became so great that he was obliged to retire from the practice of law. Afterwards he became involved in the rebellion of 1837 and was obliged to leave the Country for some years. Later after the union of Upper Canada and Lower Canada in 1841 he became a Minister of the Crown.

Hon. John Beverley Robinson, the Attorney General, again acted for Boulton. Robinson on this occasion relied upon the universal practice of the Courts of Law, which does not permit a case once determined upon motion and argument, to be again brought forward either upon the ground of the same, or of other irregularities not before insisted upon. He cited a rule passed in "the reign of one of the Jameses" to the effect that if any one dared to bring a motion or apply for a judgment on a case once decided, then an attachment should go against him and that the Counsel who so moves should not be heard in Court in that term. Mr. Justice Campbell stated in his judgment that at first he thought it strange and was very indignant that the irregularities pointed out by the defendant's Counsel should have taken place, and that Boulton should have obtained a judgment in such a manner. However, as it appeared that the irregularities had been discussed and decided upon by a Court many terms back, there was no authority for him to re-open and reconsider the matter. He also noted that there was a penalty attached to the breach of the rule against such second discussions, but as this was the first time it had ever been infringed in this Province, he would not desire to see the penalty enforced. On any future attempt of the kind he would enforce it. No doubt the Judge was correct, but again we see the Court obliged to adhere to one rule in order to uphold a judgment which had been obtained by a violation of three other rules of Court equally solemn and binding. As on the previous occasion, Randall failed by reason of a technicality apart from the merits of his motion.

Later on in the year 1824, as a last resort to get rid of the judgment, Randall was advised to apply for a writ of error