

dated seventh of December last, my adversary Brown, who had failed, was allowed to appeal to Her Majesty the Queen, in Her Privy Council. The permission was granted, upon condition that my adversary should give security according to law within six weeks. It was a condition, *sine qua non*, and costs were awarded to me.

By the 1179th article of the code, it is competent to a successful litigant, in every case in which security is not given within the time prescribed by the judgment, to cause it to be executed.

This necessarily implies that the record, in the possession of the Clerk of the Court of Appeals, shall be remitted to the Prothonotary of the Superior Court, for the latter Court alone can issue a writ of execution.

The delay expired on the eighteenth of January last, and as the Chief Justice, the organ of the Court, never promulgated a rule applicable to the subject, and as the Clerk would not remit the record, I was obliged to pray by petition that the article might be enforced.

This Petition reached Montreal, where the Court was then sitting, as I understood, on the nineteenth. It was presented, but, having been obliged to rely on a friend to present it, I shall not speak of what occurred there. The nineteenth fell on a Friday, and before I had received any information touching the fate of my petition, Chief Justice Duval had returned to Quebec. I then called upon him, I believe on the Monday following, but he was at dinner, and was denied. I may or should remark that he dines at one o'clock, an unreasonable and improper hour for a judge. I called again, however, when he desired me to repeat my visit on the following day. I complied, but after some earnest entreaty on my part and some churlish remarks on his, he directed me to request the officer of the Court to wait on him. I did so, and called on the ensuing day, but was again unsuccessful, for the Chief Justice was at meat. I repeated my visit, and on my pressing my