

ing the time to four days therefore contravened the Statute and was ultra vires of the Court.

Hon. John Beverley Robinson who was Attorney General at the time appeared on behalf of Mr. Boulton, who was now Solicitor General for the Province. The Court did not consider the matter on its merits, but simply held that Randall was too late in making his application and that therefore it could not interfere. While the Court was presumably right in its decision under its own rules, the injustice done to Randall is more marked when it is considered that from the neglect of its rules by Mr. Boulton, he was deprived of these notices to which he was entitled, by the written law of the land, and the rules of Court, and that it was due to the omission to give these very notices that he was so late in applying to set aside the judgment. Irregularities may be waived, after notice, by delay, but it would be productive of incalculable injustice if a notice could be superseded and a suit be clandestinely carried through, and the ruined defendant should be precluded from relief on the ground of delay, while the plaintiff sheltered himself behind his own wrong.

Two years later, in 1824, John Rolph, on Randall's behalf, applied again for a rule to show cause why the proceedings and judgment should not be set aside for irregularities, and why the writ of fieri facias issued upon the judgment should not be set aside, and restitution made to Randall. John Rolph, who acted for Randall, was one of the leading members of the Reform Party. An historian has thus described him:—

“John Rolph was unquestionably one of the most extraordinary personalities who have figured in the annals of Upper Canada. He possessed talents which under favouring circumstances would have made him a marked man in either professional or public life in any country. Chief among his qualifications may be mentioned a comprehensive subtle intellect, high scholastic and professional attainments, a style of eloquence which was at once ornate and logical, a noble and handsome countenance, a voice of silvery sweetness and great power of modulation, and an address at once impressive, dignified and gratiating. His keenness of perception and his faculty for detecting the weak point in an