

"the chicane, the vexation have been such as to call for repression."\*

Again, I put it to the *country* to weigh in the balance the words of Chief Justice Duval. According to him the ordinance (in the singular) *had gone out of use*. Now the words of the author by whom he affects to be guided, are "re-enacted by the *ordinances*," in the plural. It seems to me, in despite of Chief Justice Duval, that the verb to re-enact is not without signification and there is probably still some difference between the singular and the plural.

Now, for another charge.

By judgment of the Court of Queen's Bench, appeal side,

\* French text of Domat, Livre III., Tit. V., Sect. II., page 271 :—

Parmi toutes les causes dont il peut naître des dommages et intérêts, il y en a peu d'aussi fréquentes que l'injustice de ceux qui, entreprenant ou soutenant des procès injustes, causent à leur parties, et des frais que les condamnations des dépens ne reparent presque jamais, et encore d'autres dommages dont ces procès sont les seules causes; comme de la perte du temps surtout de ceux qui vivent de leur travail, et plusieurs autres suites de l'injustice de la chicane des mauvais plaideurs. Ce qui rend très juste la condamnation des dommages et intérêts, lorsque la vexation est telle qu'elle y donne lieu. Et quoique cette règle ne s'observe que si rarement qu'il semble qu'elle est abolie; comme elle a pour principe l'équité, qu'elle est du droit naturel, et qu'elle avait été renouvelée par les ordonnances; il est de la prudence des juges de la mettre en usage dans les occasions où l'injustice, la chicane, la vexation peuvent le mériter. x.

"Among all the causes in which a condemnation to pay damages may originate, there are but few of such frequent occurrence as the injustice of those, who, by undertaking and supporting unjust lawsuits, entail upon their adversaries not merely an expenditure which a judgment for costs seldom makes good, but other evils of which such lawsuits are the sole cause. For example, the loss of time, especially for those who cannot live without labor, and several other results of the injustice and of the chicane of evil-disposed litigants. In such cases, when the vexation is such as to cause damage, it is very just that the wrongdoer should be condemned to make compensation. And though this rule is so seldom enforced that it seems as if it had been abolished, yet, inasmuch as it is founded in equity as it is a principle of natural law, and inasmuch as it has been re-enacted by the ordinances, it is the duty of the Judges to enforce the rule whenever the injustice, the chicane, the vexation have been such as to call for repression."