

The underwritten extract from Domat may, with advantage as a test of judicial capacity, be compared with the words of the Chief Justice :—

“ 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 ordi-*  
“ *nances, 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.*”

N.B.—I have the audacity to express my unqualified regret that the lines which are hereinabove italicised should have escaped the acumen of the Chief Justice.

A. G.