

wrangling. At the beginning of Trinity Term he announced that the court was not properly constituted, as the Act, 34 George III., c. 2, required three judges, and he declined to sit in Term, leaving to Mr. Justice Sherwood the whole work of the full court. He then left for England to lay his wrongs before the home authorities. It is to be remembered that from the very beginning, the Court of King's Bench in Term was frequently composed of only two judges, and sometimes only one. Take what occurred at the very first. The court was instituted in 1794 by 34 George III., c. 1, of three judges. William Osgoode, the first Chief Justice, never sat in the King's Bench in Term; up to Hilary Term, 37 George III., Jan. 16, 1797. William Dummer Powell, the puisne judge, sat occasionally alone, but usually with Hon. Peter Russell, who had a special commission. At length (Jan. 16, 1797), John Elmsley presented his patent as Chief Justice and was sworn in. Peter Russell also presented his patent as one of the justices for that term, and he also was sworn in. The ceremony is described in detail in the Term Book and the description is copied in Read's "Lives of the Judges," p. 44. Russell was appointed also for Easter Term, 1797, for Trinity Term, 1797; and these two, i.e., Elmsley and Russell sat for these terms. Powell, J., came back in Michaelmas Term, 38 George III., November 6, 1798, and sat with the Chief Justice thereafter. Willis had himself, the first term he was judge, sat with Sherwood, J., to make a full Court in two days of the term, and the next term for more, while the two formed the Court for the whole Easter Term, 1828.†

The Lieutenant-Governor removed Willis; "Amoved" is the term invariably used in our records. The Privy Council decided Willis was wrong in his law. He was appointed judge at Demerara and afterwards at New South Wales. He had trouble

†From a list made up June 10th, 1828 by Mr. James E. Small, Deputy Clerk of the Crown, for the information of the Executive Council, it appears that up to that time out of the 135 terms of the Court of King's Bench, 56 only had been held by the Chief Justice and two puisne judges; that 59 terms had been held by a Chief Justice and one puisne judge; that 15 had been held by two puisne judges and 5 by one puisne judge alone.