different when it fell to my lot to be on the other side. And I venture to say, had my case with Mr. Sutherland been removed in the first instance by *certiorari*, a course, however, which never occurred to my counsel, I would have been met with a thousand objections, resulting in my defeat, as on the appeal.

"I may be wrong, but I can't help thinking that I am not fairly dealt with by the Court or Judges, and that the well-beaten track is often departed from for some bye-way to defeat me. Even in that little case of *Wallace* v. *Connolly*, the case was not decided upon the affidavits, but a person was spoken to out of doors, and the case decided upon what he said, not under oath, while the rule is, that a judge can't use even knowledge within his own mind, much less obtain it from others, but must decide upon the affidavits. Better tell me at once to bring no affidavits into Court; for if Mr. Smith, or any such person shall even state to me that there is a different impression of the facts on his mind, you must fail as a matter of course. I could also recall cases, where the decision was, I believe, largely influenced, if not wholly based, upon information received privately from the wife of one of the parties by the Judge. Is this justice? I think a Judge in England would be a little startled to hear that a Judge in Nova Scotia listened to, much less decided upon, information obtained in this way.

"I was on more than one occasion almost tempted to bring these things to the notice of the Legislature, but I overlooked them, as I trust you will overlook anything in this, should there be anything in it not strictly within allowable limits. Your very obedient servant, T. J. Wallace."

The appellant stated, in the affidavit he afterwards made, that in writing this letter he had no intention whatever to impugn the conduct of any of the Puisné Judges of the Supreme Court, and no intention whatever of offending or insulting either them or the Chief Justice, his only object being to state in temperate language the grievances of which he felt he had reason to complain; but fearing afterwards that the course, taken under some degree of irritation, might be considered irregular or offensive, he had availed himself of an opportunity of meeting the Chief Justice to disavow any intention to offend or insult him, and offered to him a full apology.

Notwithstanding such apology, however, a rule of the Supreme Court was, on the 18th of July, 1865, without any motion to that effect by Counsel, drawn up on reading the letter, adjudging it a contempt of Court, and calling upon the appellant to show cause why he should not be suspended from practice as an attorney and barrister until he should make a suitable apology in writing, to be read in open Court, for such his contempt.

On the 22nd of July, 1865, the appellant appeared in person, and being called upon by the Court, showed cause against the rule *nisi*, upon an affidavit in which he related the circumstances under which the letter was written, and the fact that he had made an apology to the Chief Justice.

On the 29th of July, 1865, the rule was made absolute by the Supreme Court to suspend the appellant from practice as an attorney and barrister of the Court, without fixing any period for such suspension, or annexing any condition thereto.

The Chief Justice, the other five Judges being present, delivered the following judgment of the Court:—"The judgment I am about to pronounce is to be taken as the judgment of the whole Court; and having been submitted to my brother Judges, and met their approval, it is to be received as the unanimous expression of our opinions. The Judge of Probate at Halifax, having passed an order on the 10th of January, 1863, declaring that Wallace had been guilty of a contempt, committed by him in the face of that Court, and suspending him from practice therein as advocate or proctor, Mr. Wallace appealed from that order to the Supreme Court, and the appeal was heard before us in December last, when we decided, for the reasons assigned in a written judgment now on file, that the appeal having been taken under the Provincial Statute, and not by *certiorari*, could not be entertained; that Mr. Wallace had mistaken his course, and that the contempt, therefore,