

suitors of that class from appealing. This, then, is a mode by which a Judge disposed to substitute his individual will to the law might be enabled to carry his point.

It did not, however, do so in my case, for without then complaining in print, as I do now, feeling that the Judge was wrong, I went into appeal. The expected result followed, and on the 29th of June 1865, the above cited judgment of Judge Stuart *was reversed* with costs. My action, then, *contrary to the opinion of Judge Stuart, was declared to be a good action*, and the result thenceforth would of course depend upon the kind of proof which might be adduced in its support.

The Defendant subsequently pleaded to the merits; but, as under the circumstances it certainly behoves me to do, I must state that such is the mode of administering the law in this country, that the cause in question, numbered 691, has been four times in appeal, and on the first and last occasions solely as a consequence of an act of Judge Stuart. I must not characterize those acts; but both of his judgments were reversed, and if I live, and can pay for the printing, all the facts shall and will be published.

In process of time (on the 14th of February 1871), the cause was brought under the consideration of a jury, and after a trial which lasted twenty-four days, they gave me a verdict, of which the presiding Judge approved, for \$17,984.

Great efforts were of course subsequently made to set aside this verdict, and Judge Stuart being again unfavorable to me, it was set aside, whereby I lost, including costs, some \$22,000. Ascribing that loss to the self-love of the Judge, and proposing to show how it was brought about, I hope to be understood.

Subsequent to the filing of the Defendant's motion to set aside the verdict, and before the parties could be heard, that is to say, on the 4th of April 1871, Judge Stuart made a written declaration, and after reciting as much of the declaration as he saw fit, he expressed himself as follows: