

a judgment for or against, from 1824 to 1831, which being confirmatory, and of amount to carry before the King in Council, is now there. The appellant, being rather a sensitive man, certainly received some annoyance in the progress of this suit—charging a person of his station, and hitherto character in life, with declining payment, for thirty years, of a just debt, which it was universally known he had assets to discharge.

An important question on the Appeal was likely to be agitated in the Court of Appeal; and although it was not supposed by the appellant to affect their judgment, he entertained great expectation of its being decided before the King in Council:—it was as to the legal existence of a Quebec ordinance relating to the Court of Appeal, which was supposed to have been continued by the Upper Canada Charter, to have force of Law in Upper Canada, until finally repealed by that Legislature. On that construction of the words and sense of the Charter, the appellant had brought a bill into the House to declare, that being unrepealed, that ordinance was still Law to govern the Court of Appeal. The bill was thrown out without argument, and the next day a bill was introduced by the Chief Justice to repeal all the ordinances of Quebec, and declare them to have, one and all, no force of Law in this Province, admitting by that expression their actual existence as Law until repealed.

This repeal served the purpose of protecting the Court of Appeal in the rejection of an order expressly continued by Act of the British Parliament to govern that Court. The whole proceeding has been some time before the King in Council; but it is difficult to represent the effects of conduct so atrocious in our Colonies, nor can the honorable minds of gentlemen, on the fullest explanation, comprehend the depth of baseness to which the bad feelings of some persons will induce them.

The same Term of the Court of King's Bench, at York, Upper Canada, where the ancient Refugee still presided, presented the second rare instance of an action against the presiding Judge, the Chief Justice, the acknowledged Minister of the Province.

This action was founded on a charge of the basest calumny—that of declining to perform an act of duty,—without just cause, and from personal malice.

It was the refusal from such motives to obey a *mandamus* of the Court of King's Bench to swear into office the plaintiff appointed to it by lawful Commission. The Court sustained the action without requiring the slightest evidence of the important fact, the gist of the action: and commanded the Jury to presume the