

*THE COURT OF KING'S BENCH IN UPPER CANADA,
1824-1827.*

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It is interesting to an Ontario practitioner to consider how the courts in his province have been conducted in the past.

I propose to give an account, incomplete as it must be—of the proceedings in Term of the Court of King's Bench in Upper Canada during the period covered by Term Book No. 9 at Osgoode Hall. This book has been selected almost at random as the preceding books contain proceedings quite as interesting; but this particular Term book I have recently had occasion to consult to clear up an obscure point of our legal history.

The book covers the time from Easter Term, 5 George IV., April 19th, 1824, to Michaelmas Term, 8 George IV., Nov. 17, 1827. Until the end of Trinity Term, 6 George IV., July 2nd, 1825, the chief justice was William Dummer Powell, the two puisne justices were William Campbell and D'Arcy Boulton. Sometimes all three sat, sometimes only two, and sometimes one. In Michaelmas Term, 6 George IV., Oct. 24th, 1825, Campbell was sworn in as Chief Justice and Levius Peters Sherwood as junior puisne. Mr. Justice Boulton did not sit from Easter Term, 6 George IV., April 19th, 1825, until Michaelmas Term, 7 George IV., Nov. 6th, 1826. He sat during that Term and Hilary Term, 7 George IV., January 1st to 13th, 1827, but does not thereafter appear. He resigned, and Mr. Justice John Walpole Willis was sworn in, Michaelmas Term, 8 George IV., Nov. 5th, 1827; there was no further change during the period of Term Book No. 9.

The clerk of the Crown and Pleas who acted as registrar—from after Oct. 24th, 1824, was Charles Coxwell Small who has been called in the April previous—he is No. 80 on the Law Society's Roll. The clerk of the Crown and Pleas was of no slight importance—on Nov. 8th, 1827, the full court, Campbell, C.J., Sherwood, and Willis, JJ., announced as follows: "The court ordered that as no business could be done on account of