

## CHIEF JUSTICE DUVAL.

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THIS public functionary has interest, has at least a powerful friend, at Court, and the link which binds the one to the other is not inexplicable. But as no explanation is immediately necessary, I shall, with the avowed intention of bringing about the removal of one whom I hold to be quite unfit for the position which he occupies, revert to the conduct of the Judge as Judge.

He was one of a minority unfavorable to me, and he opened as follows:—"The Appellant (Gugy) would not, I think, have succeeded in his action even in the Courts in France. Domat, who cites the ordinance of 1539, says that ordinance had gone almost out of use. It appears, however, to have been revived for vexatious actions."

On the last occasion on which I wrote, much hurried by the approaching departure of the mail, I did not direct public attention to the discrepancy between the language of the Judge and that of the author whom he named, nor did I affirm as I now do that the inference which he drew from Domat was the very *reverse* of the doctrine which that author inculcates. In this matter I am perfectly conscious of the disadvantage under which, in thus setting up my opinion in opposition to that of the head of the law, I labor. But putting myself, as it were, on "my country"—addressing myself to the whole community as to a jury—I shall place the words of the Judge and those of the author in juxtaposition. The rule on which