tried the cause, and having been refused the reply. Robt. Baldwin, Esq., for plt. Granted and issued."

(Praes. Campbell, C.J., Sherwood and Willis, JJ.), Nov. 17. "Rule enlarged."

The Chief Justice (Campbell) went to England on leave of absence, leaving Sherwood and Willis alone as justices of the court. The commission of Macaulay, of course, lapsed when Willis was appointed in Boulton's place.

The case came on for final argument in Easter Term, May 1828, before these two judges; the Solicitor-General, Henry John Boulton, against the motion, Dr. Baldwin and his son Robert Baldwin for it. The object of the new trial was stated to be two-fold: (1) A verdict against Robertson and (2) an increase in the amount of damages awarded. Neither judge attached any importance to the second ground of appeal, viz., that the plaintiff had been refused the right of reply—and they differed as to the other ground, Mr. Justice Sherwood holding that there was no breach of duty in the trial judge not committing Stevens, that either the Court in Term should do so or the plaintiff might bring an action against him. As to the other three witnesses he held that as they were not subpœnaed they could not be compelled to give evidence even if present in court. He concluded that the plaintiff should have taken a nonsuit, and that as he did not, but took a verdict against two defendants, he could have a new trial.

Mr. Justice Willis held that McNab and Chewett were in contempt, Stevens also contumacious, whatever might be said as to Gurnett, inclining to the opinion, however, that he was in the same case as Stevens. He considered that there should be a new trial. He rebuked the Solicitor-General for taking the brief for the defendants instead of prosecuting them criminally, as was his duty—a rebuke instantly resented and replied to with much spirit and asperity by the Solicitor-General, who defended his conduct with vigour and point.

In the course of his judgment Willis said: "In forming my opinion of this cause, which I have now given at very consider-