

UPPER CANADA.

No. 1.

COPY of an ADDRESS to HIS MAJESTY, from the House of Assembly of  
*Upper Canada*; dated 14th March 1829.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request Your Royal attention to the dependent and very unsatisfactory state of the Judiciary in this Country; and We further pray that our earnest wishes and solicitude expressed in this Address to Your Majesty, may in our behalf be laid before Your Majesty's faithful Commons in Imperial Parliament assembled.

In former Sessions of the Provincial Legislature, we pressed this painful and now alarming subject upon Your Royal consideration, representing the expediency of exempting the Chief Justice in this Province from the duties imposed upon him in the Executive Council, and of rendering the Judges independent of the Crown and of the people.

During the present Session, we have received from His Excellency the Lieutenant Governor, a Message, from which it appears, that on the subject of the Judges being commissioned to hold office during good behaviour, Your Majesty's Government find there are many difficulties to which, it is apprehended, this House may not have adverted, and that it is with a view solely to the welfare of the Province, and to the impartial administration of Justice, that Your Majesty's Government hesitate to remove from the Judges in this Province their direct responsibility to the Crown.

Upon so important a subject, involving the interests, the rights, the liberties, and the very lives of the people of this Province, it becomes us with earnestness to repeat our humble remonstrances against the present state of things.

We regard with grateful recollection the memorable declaration of His late Most Gracious Majesty from the Throne, "that he looked upon the independence and uprightness of the Judges as essential to the impartial administration of Justice, as one of the best securities of the rights and liberties of his Subjects, and as most conducive to the honour of the Crown." In this respect we rejoice at the unparalleled happiness of the people of England; we cannot however but feel that as a portion of Your Majesty's free and glorious Empire, we also are equally interested and entitled to have justice administered amongst us by independent Judges, equally able to appreciate the value of so great a blessing, and disposed with constitutional jealousy to watch over the judicial character, to preserve it unsullied by unjust reproach and unawed by the vindictive exercise of the Royal Prerogative by the Provincial Authorities.

In this Province, it is exceedingly desirable and even necessary that the Court of King's Bench should for many years to come be wholly composed of Judges selected from the English Bar; Judges who would in that case be as free as possible from the entanglements of family connexions, the influence of local jealousies, and the contamination of provincial politics: without such a change, Justice never can in this Country be administered with purity, or rise above suspicion.

We duly value the assurance of Your Majesty, conveyed in the Message of His Excellency, "that the direct responsibility of our Judges to the Crown is enforced by Your Majesty only, on the most serious occasions, and never in respect to any act which can be properly considered judicial." But although Your Majesty is thus graciously pleased to declare that Your Majesty in the exercise of Your Royal Prerogative will be governed by a maxim so consonant to British Justice,