

suspended, at least until His Majesty's pleasure is known on the subject.

The Town of York is as your Honour knows near forty miles beyond the most remote of the settlements at the head of the lake, and the road to it lies through a tract of country in the possession of the Missisagues. Besides this there is at York neither gaol nor court house, no accommodation whatever for Grand or Petty Jury, none for the sutors, the witnesses or the Bar, and I believe, but very indifferent for the Judges, so that the greater part of those whom business or duty may call to York, must remain, during their stay there, either in the open air, or crowded together in huts or tents, in a manner equally offensive to their feelings and injurious to their health. When to these circumstances your Honour adds that some of the Petty Jury (to say nothing of Grand Jurors), may be called from the distance of sixty or even eighty miles, and cannot be supposed to be absent from their own homes for less than ten days, you will immediately perceive that there is no fine which it would be prudent, or indeed, in the present circumstances of the Province just to impose as the penalty of absence, which a man, who might otherwise want no inclination to discharge a public duty, will set in the scale against the fatigue, the expense, the loss of time, and the personal inconvenience of attendance. So strongly am I persuaded that this will be the case, if the sittings are removed to York, that I do not expect to be able to form a jury there; and unless I have been much misinformed, any interruption in the course of justice as at present by law established, will from causes which I need not bring to your Honour's recollection, be of the most pernicious tendency—there being now several causes in Court, which ought to have been tried last summer, but which if the Courts are removed to York, will probably remain untried for another year, and for anything I can foresee for several years to come.

To point out to the Executive Government of the Province, the effects which the measure in question may by possibility have on the administration of justice, I conceive to be the more immediate duty of the station I have the honour to fill in it. I am, therefore, most respectfully, but most earnestly to request, that unless your Honour has His Majesty's express commands on the subject unless there are considerations of greater weight in favour of measure than those I have suggested against it, your Honour will be pleased to call the next meeting of the Legislature at this place, which will, of course, keep the Courts here also. Should either of these reasons make it impossible for your Honour to alter your present intention, I shall feel it a necessary, though painful duty, to request that I may be permitted to bring in a Bill as early as possible in the session for the purpose of continuing the Courts at this place, until a situation as easy of access and as convenient is provided for them elsewhere. I have the honour to be with greatest respect.

Your Honour's most obedient servant.

(Signed.) JOHN ELMSLEY, C.J."