

consideration, and in his despatches connected with it he pressed upon the Provincial Legislature the enactment of such a law as would render the tenure of the judges' offices independent of the Crown, while it exempted them from dependence on the Assembly for an annual grant of their salaries. I adopt, in this respect, the views of my predecessor in office, and advert to the subject in this place, only with a view to the remark, that if it should seem fit to the Assembly to add the amount of the judges' salaries to the proposed Civil List, His Majesty's Government would rejoice to concur with them in giving effect to the consequent arrangements respecting the terms of judicial patents. On the other hand, if the House of Assembly should think proper to exclude from any Civil List Act which might be passed the provisions relating to the maintenance of the judges and their tenure of office, that question may still be reserved for a separate discussion, without prejudice to the settlement of the demands to be made in favour of the Governor and the other officers of the Crown, who are to be embraced in the proposed Civil List. It must, however, be distinctly understood, that until an adequate provision be made for the maintenance of the judges, His Majesty cannot divest himself of the only funds within his reach available for that most important purpose.

Earl of Aberdeen  
to Earl Amherst.  
2 April 1835.

The Earl of Ripon's suggestion proceeding on the assumption that His Majesty would retain a perfect control over the hereditary and territorial revenue, contained no estimate for various expenses, which, though from their fluctuating nature they must be referred to the head of contingencies, are yet inevitable, and are not less essential to the free exercise of the functions of the Governor, than are the fixed salaries of himself and the few other public officers for whom it is designed to provide. The proposed Civil List must therefore contain the annual assignment of a sum of money adequate for these purposes. I refer to your Lordship, aided by the information which you will receive in the Province itself, the determination of the precise sum to be required under this head.

It will probably be objected to a permanent grant for indefinite purposes, that the effect will be to withdraw that part of the public expenditure, not only from the control, but even from the cognizance of the representatives of the people. Your Lordship will anticipate that difficulty by proposing that an account should be annually rendered, in detail, to the House of Assembly, of the purposes to which the Governor had appropriated every part of the fund placed at his disposal, under the head of contingencies. The opportunity of suggesting any practicable reductions in this charge will thus never be wanting to them; nor is it credible that, after such a settlement, there would exist any undue reluctance on the part of the Government to give effect to any such suggestions.

A further condition is to be noticed, which may, perhaps, still more completely allay any anxiety respecting the excess or misapplication of the contingent fund. I propose that the duration of the whole arrangement should, in the first instance, be limited to seven years; at the expiration of which the consideration of the question might be resumed with all the advantages derived from the experience which would then have been acquired, and the scheme might be better adapted to new exigencies, which, in the lapse of such a period, would have probably arisen.

The revenue to be ceded has already been charged by the Crown with certain pensions and other annual outgoings, for the punctual payment of which His Majesty's faith is pledged. No demand is made on the liberality of the House of Assembly for the means of rewarding meritorious public services in future. With the termination of the lives of the present grantees accessions would thus be progressively made to the fund at the disposal of the House of Assembly, until at length it would be cleared of every charge, excepting those which I have proposed that it should permanently bear. But His Majesty's Government are bound by considerations which admit of no compromise or hesitation, to stipulate, as the indispensable condition upon which the hereditary and territorial revenue is surrendered, that the legal rights of all the present pensioners and grantees should be respected and maintained in their integrity. In the accompanying Minutes your Lordship will find an exact statement of the amount of those charges, drawn out in the utmost practicable detail. I am persuaded that the House of Assembly will be not less firmly opposed than His Majesty's Ministers themselves to any measure by which the pledged faith of the King's Government might be justly impugned, or which would weaken the foundations upon which the security of all proprietary titles, and indeed of all civil rights, must ultimately repose.