

(COPY.)

DOWNING STREET, 21st November, 1837.

Sir,

I have received your Despatch No. 93, of the 25th October, submitting a representation which had been made to you, by the Chief Justice of Nova Scotia as to the inadequacy of the emoluments received by Puisne Judges of the Supreme Court.

I have considered the statement of the Chief Justice with the attention and respect which are on every account so justly due to its author; but I regret that I am under the necessity of referring to my Despatch No. 101, of the 31st ult., for the only answer which it is in my power to make to the Chief Justice's suggestion, that more liberal salaries should be assigned to the Puisne Judges out of the Civil List to be obtained from the Legislature in return for the surrender to their control, of the Casual and Territorial Revenues of the Crown.

I have, &c.

(Signed) GLENELG.

M. General Sir Colin Campbell, K. C. B.

&c. &c. &c.

(COPY.)

HALIFAX, January 18, 1833.

Sir,

I have the honour to acknowledge the receipt of your letter of the 29th December last, inclosing an extract from a despatch from the Right Honourable Lord Glenelg, to his Excellency Sir Colin Campbell, dated 31st October, 1837, and requesting me to state whether, as Chief Justice, I would prefer to retain my present salary and emoluments, or to receive the increased salary of £1000 sterling per annum, proposed by his Lordship for the Chief Justice, without fees.

If the contemplated change affected myself alone, it would not require a moment's consideration for me to decide in favour of retaining my present salary of £350 sterling, with my fees, which, although they fluctuate very much, may be averaged at £400 sterling annually, but as it is accompanied with an offer that is advantageous to my brother Judges, it would be very painful to me to interpose any obstacle in their way.

Their present salary of £450 sterling, with the small proportion of the fees which they receive on the Circuits, I know to be quite inadequate to their decent support. During the 26 years that I was a Puisne Judge, I can safely say, that the salary and emoluments of my office scarcely covered two thirds of my expenses. Your present Judges are in a worse situation than I was, as the pound currency in which they are paid is now worth but 16s sterling, whereas it was worth 18s sterling during the greater part of the time that I held the office, a change which has occasioned an annual loss of £60 stg. to each of them.

The proposal to relinquish my fees for the increased salary places me in this dilemma, I must either sacrifice an important part of my own income; or prevent an addition to that of my brethren; who so much require it, for it is evident that these fees must be altogether relinquished or altogether retained.

It would occasion great confusion, and be in itself unjust to collect them from the suitors where I presided, and exonerate those on the circuits which my brethren should happen to travel. Under these circumstances, I will not withhold my assent to the proposal, but as I understand from your letter that the acquiescence of the Chief Justice and the Judges is to be made the basis of the communication to the Legislature upon this subject, it would be uncandid if I did not mention that I have already petitioned her Majesty to make me a personal allowance out of her Casual Revenue in Nova Scotia, to compensate me in some measure for the loss I shall sustain by relinquishing my fees. These fees I hold by a grant from the Crown, under the great seal of the Province, and, so long as I fill the office of Chief Justice, I deem my

title to them to be as valid as it is to any part of my real estate. The Legislature certainly have the power to pass a law to deprive me of both, but I cannot think that they have a right to deprive me of either, without adequate compensation.

To accomplish a great public benefit, by providing a more adequate support for the Puisne Judges of the Supreme Court of Judicature, in whose independence every man in the Province is interested: I consent to relinquish them, and not from any doubt of their legality, or from any apprehension that the Legislature would arbitrarily wrest them from me. But as I conceive that this public benefit ought not to entail so great a private loss upon me, I have laid my case before my Sovereign, and trust that my just claim for compensation will meet with a favourable consideration.

I wish it to be fully understood that the pounds sterling are pounis of twenty shillings each, and that the Chief Justice and Judges are not to be affected by any fluctuation that may occur in the value of the pound currency.

I think it necessary to mention also that the fees to be relinquished are the fees paid by the suitors. We do not conceive that the allowance of one guinea per day made to the Chief Justice and Judges of the Supreme Court, for travelling expenses on their respective circuits, under the Provincial Act of 46 George 3d, is to be affected by this arrangement.

The Province will often gain and seldom lose by it, even should her Majesty be graciously pleased to lend a favourable ear to my petition; for the fees collected throughout the Province have frequently exceeded £1000 sterling per annum, and may be averaged at from £850 to £900 sterling.

The proposed addition of the Chief Justice's salary is	£150 sterling,
Do. of £170 to 3 Puisne Judges	510
	£660
Compensation sought by the present Chief Justice during his lifetime	£200
	£860

I have the honor to be, Sir,

Your obedt. humble Servant,

(Signed) BREXTON HALIBURTON.

To the Honourable Sir Rupert D. George, Bart.

&c. &c. &c.

(COPY.)

HALIFAX, 8th January, 1833.

Sir,

We have had the honour of receiving your letter of the 29th of the last month, inclosing an extract of a despatch dated 31st October last, to his Excellency the Lieutenant Governor, from the Right Honourable Lord Glenelg, her Majesty's principal Secretary of State for the Colonies, in reference to a proposed Civil List.

From this despatch it appears that his Lordship has fixed the salaries of the Puisne Judges of the Supreme Court at £650 sterling, giving us however the option of accepting this sum, or retaining our present salary with the fees received by us on actions brought in that Court.

In answer to His Excellency's desire to know our determination on the alternatives offered, we have the honour to state that the agitation of a subject so peculiarly personal to the Judges as that which relates to their own emoluments has been extremely unpleasant and painful to us, and that we therefore should not have hesitated at any time to have acceded to any equitable arrangement for the discontinuing the receipt of these fees, as was done by Chief Justice Pemberton in 1787 and 1788 upon the proposal of the House of Assembly of that day to commute them, and without further remark, which the present proposal might naturally suggest, we accept of the sum propo-

sed by Lord Glenelg in lieu of our present salary and these fees.

We have &c.

(Signed)

LEWIS M. WILKINS,
WILLIAM HILL,
W. B. BLISS.

Sir Rupert D. George, Bart.

&c. &c. &c.

(COPY.)

DOWNING STREET, 29th Dec. 1837.

Sir,

With reference to my Despatch of the 26th ultimo, in which I informed you that I had communicated to the Post Master General the Resolution of the Assembly of Nova Scotia, relative to the Post Office Department of that Province;—I have now the honour to transmit to you the enclosed extract of a letter, which has been received from the General Post Office on the subject, and to instruct you to communicate it to the House of Assembly, as the answer to their proposition for the transfer to their control of the Provincial Post Office Department.

I have the honour to be, &c., &c.,

(Signed)

GLENELG.

Major General Sir Colin Campbell, K.C.B.
&c. &c. &c.

[Extract of a Letter from the General Post Office, to James Stephen, Esq., dated 23d Sept. 1837.]

I am directed by my Lord the Post Master General, to acknowledge your letter of the 30th ultimo, transmitting a Despatch from the Lieutenant Governor of Nova Scotia, enclosing Resolutions of the Provincial Assembly, on the subject of the Post Office of that Province. His Lordship commands me to state for Lord Glenelg's information, that having, in conjunction with the accountant general of this Department, examined the documents submitted by Sir Colin Campbell, he conceives there must be some misapprehensions so far as relates to any surplus Revenue of the Post Office in Nova Scotia, after payment to Great Britain of the Packet postage, as proposed by the Colonial Legislature.

From the accounts of this Office, it appears that the total net Revenue arising from the Posts in the Province of Nova Scotia and New Brunswick, which are united under the management of the Deputy Post Master General at Halifax, was in the year 1836 £2173 1 11, that of this sum the proportion collected in New Brunswick was £1458 7 8, leaving the net produce of the postage in Nova Scotia only £714 14 3.

According to the actual accounts here, the Packet postage, which the Assembly estimates at £1,161 amounted to £1,248 8 6; if, therefore, the proposition to pay over the Packet postage to the British Post Office were accepted, the gain to this Department would be from £400 to £500 a year.

Gleanings from latest Papers.

STEAM NAVIGATION.

THE GREAT STEAM SHIP.—Extract of a letter dated Bristol, England, Dec. 8.—Our great Western Steam Ship is getting on fast, and will probably have her machinery all on board in about two months. It is expected that she will make several experimental trips, and then come round to Bristol to take freight and passengers for New-York.—She is fitted with 4 masts, and spreads as much canvas as a frigate. When she went round to London for her machinery, she outsailed every thing.

ATLANTIC STEAM NAVIGATION.—At last the long talked of attempt to navigate the Atlantic by steam is certainly on the point of being made. Lieut. J. Hosken, of the Royal Navy, arrived here on Thursday, from Liverpool, in the Garrick, for the purpose of making the necessary arrangements for the reception of the "great western steam ship," and for keeping up an intercourse by her means, with