

only suspended them till his Majesty's will and pleasure should be known, yet an ordinary Counsellor has only a Mandamus for his office; whereas the Chief-Justice of the Province of Quebec is appointed by the King himself in his Privy Council; is in by Letters Patent, and is not only of the Council, but a President, and a necessary constituent member of it.

It may be perhaps said that Sir Guy Carleton's commission was different from that of any other Governor, yet his commission gave no authority to remove any person, and though in his instructions he was directed not to displace any Judges or other officers, but for good and sufficient cause, it cannot be thence inferred that he may remove them when he pleases; and this instruction has never been considered as affecting the Chief-Justice, or a Counsellor, or any officer appointed by the King himself, but to respect only such judges and officers as the Governor may have appointed, who by this instruction are not to be considered as creatures of the Governor's mere will and pleasure: when once in office, the King directs they are to continue while they behave well; the instruction is intended as a barrier against the Governor's arbitrary treatment of them, and this has been the construction and practice of every other American Governor.

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