

of the Colony must render the system still more susceptible of remodification and improvement, and that the Judges require more facilities and assistance as their duties accumulate.

The following perilous incident occasioned the retirement of Mr. Justice BREXTON:—The Circuit Vessel was riding out a gale of wind off Fortune, in Fortune Bay; by the sudden and violent jerks of the chains the windlass broke away, and both chains going overboard, the vessel drifted, and as by a miracle, escaped the surge running on the Northern Head; had she come in contact all on board must have perished. This fortunate escape had so powerful an effect on the Judge's mind that he declared, notwithstanding the prospective embarrassment of his private affairs, he could not persist any longer in taking part in a proceeding tending to destroy his own life and others on board without any plea of necessity or merit in its defence. The Judge was permitted, in like manner as his brother Judges, to fall back as a private individual in society, with that vigorous constitution and noble energy of mind which had for so many years displayed itself in zealous and useful devotion in the service of this country, almost exhausted from age and infirmity, without any public pension or support, had not Her Majesty's Government interfered to prevent a violation of that moral obligation and natural duty, which is considered the universal law of nations, as well as individuals, to their dependants.

It must also be acknowledged, in justice to Her Majesty's Government, that the representations of the Judges in their report were duly entertained; it appeared, however, there were no funds which could be appropriated to such essential purpose. It had been contemplated that the colony should be made to bear the entire expense of its own establishment, and that, therefore, an Imperial Act should be passed to raise by tax on imports a sufficient revenue for the Colonial purposes, or a Local Legislature should be established to enable the inhabitants to raise and vote the necessary supplies. The latter measure was preferred and put into operation, but no statutory provision has yet passed the Legislature to ameliorate the offices of the judges, or to remove the unparalleled grievances of which they so loudly and incessantly complained; and, it appears, also, that by some misapprehension, to be argued by the Legislature, that the Colony is entitled to all the benefit, though by no means bound by all the stipulations expressed or implied in Her Majesty's Royal Charter of Justice, and especially as regards official residences to be provided for the Judges. The like sentiments, however influenced, have been extremely discouraging and perplexing to the Judges, as they naturally felt great delicacy in persisting on the necessity of arrangements so apparently urgent to the public, owing to their being personally interested, although they had been spectators of the enthusiasm of the inhabitants on the receipt of the Charter, and when every satisfaction was expressed of its entire stipulations and provisions. These highly honoured individuals, selected in England by Her Majesty's Government as possessing rare acquirements and much experience of the Practice, Rules of Evidence, and Principles of Adjudication, not limited to any one branch of the science, but under the extended and distinct jurisdictions conferred by the Act of the Imperial Parliament, were compelled rather to relinquish their offices, and submit to utter ruin their former bright professional prospects, than submit to the humiliating, degrading and reckless circumstances by which they were encircled.

As regards the Circuits by sea, under the most favourable circumstances, it is obviously an enterprise very much opposed to the education and habits of professional men in general; and the personal hardship and exposure to wet and cold for several days, as now endured, would deprive the aged of life. And as to danger: I have witnessed instances of great mental excitement on the proximity of death,—I have seen the remains of human bodies on the shore,—I have seen ships lying wrecked and broken in pieces by the fury of the sea,—I have seen the drowning and the drowned,—I have been saved from perishing, and have myself enjoyed the extreme satisfaction of saving human life.

It cannot be surprising that these appalling spectacles and daring trials which I have been called upon patiently to endure so frequently in the course of my long and faithful services for more than thirty years, twenty-two of which have been passed under my present appointment, and I am proud to consider with the approbation of Her Majesty's Government, should lead me naturally to anticipate, on a narration of facts, easily proved, that Her Majesty's Government will not be deterred, by an alleged saving of a few hundred pounds to a Colony enjoying so great a Revenue as that of Newfoundland, if the branch of service be really important, from giving efficacy to those necessary measures which concern the Public Administration of Justice throughout the Colony, and extend to the Judges and Officers of the Court the means and comfort required to uphold the respectability of their position in society, and upon which their health and efficiency must depend, and especially as respects the supplying articles of precaution in the event of shipwreck, with which every Vessel ought, in common prudence, to be furnished, to preserve the lives of those on board.