

services, yet I submit most humbly, no other control can be exercised by that Body, and that when an aggregate sum is voted to His Majesty, in which, it is not even pretended the Salary of the Judge of the Court of Vice-Admiralty, is not included, and that the vote is passed into a Law, it would be unconstitutional and dangerous to look into the private Resolution of either House, in order to defeat the effect of an open avowal of the three Branches of the Legislature; as manifested in the brow of a statute. The Provincial Parliament has granted my salary freely and unconditionally, to His Majesty, and in this view I respectfully conceive it is not competent on any constitutional or sound principle of Policy, to inquire into a *secret and delusive* Resolution, with the intention of undoing, what the whole Legislature has done, and over which a single branch of it, has now ceased to have a control; and in thus expressing my opinion, I beg Your Excellency to believe that I do not speak of the Executive Government as distinct from the Legislative, for to it is contrasted a power to grant or withhold salaries from Public servants, as in its wisdom and discretion, may seem meet.

But this matter is still more important in its bearings either taken morally or politically, when considered in its operation as a precedent.—If Your Excellency were to be guided by this *mental reservation of the Assembly, considering the present disposition of that body* to encroach upon the privilege of the Legislative Council, and to destroy the independence of the Legislative Council, and to destroy the independence of the Judiciary, they would achieve much more by a *secret* Resolution, than they could hope to accomplish, in a manner open and undisguised. Your Excellency knows with what pertinaciousness, they have striven for years to expel the *Judges from both Councils*, and having such a precedent before their eyes, they will bring this to pass—nay more than this, for by sending to the Legislative Council a general Bill of Supply, which will cover the whole estimate, whilst at the same moment, they frame secret and conditional Resolutions to the effect, that no salary shall be paid to a Public servant, so long as he shall hold a seat in the Council, or add such other injurious or humiliating terms to the grant, they will deprive the Crown of the services of *all, who are worthy of its trust and confidence*. Thus the Assembly would be enabled by a hidden policy to over-reach the two other branches of the Legislature, and a *French Democracy* would in effect absorb all the powers of the Government.—I presume most respectfully to remind your Excellency, that His Majesty's Principal Secretary of State is pleased to say, that he could not anticipate any contingency in which it would be necessary that reference should be had to the Provincial Legislature on the subject matter of his Dispatch, excepting in the event of the Judge or his Officers refusing to acquiesce in any reduction which, under the evidence of the Commissioners to be named, Your Excellency might find it necessary to recommend. He could not, however, for a moment have supposed, that before a Commission had been appointed, and without any recommendation from your Excellency grounded upon the advice of Commissioners, that the Assembly would adopt the suggestion of the Merchants, and by a Resolution of attainder deprive the Judge both of his reputation and part of his income—I therefore with great respect submit, that Sir George Murray, having instructed the Provincial Government to appoint Commissioners, to enquire into the complaints made against the Court of Vice Admiralty, and these instructions, together with a Draught of the Commission, having been officially communicated to me and acquiesced in, the faith of the Imperial Government is engaged to take no measure injurious to my character and interest and that of the Court, until such investigation shall take place as is prescribed in the Dispatch.

I should not do justice to myself or to the Court, in which I have had the honor to preside for thirty three years, were I not to observe, that the motives of the Assembly in pressing this Resolution, were not only to obtain an indirect influence over the public service, *but to gratify that resentment which is a distinguish-*