

files of Court, a certain "Determination, Rule, or Order," an authentic copy of which is hereunto annexed, to the following effect, to wit :—

" 1st July, 1848.—IN THE JUDGES' CHAMBERS.

" Present :—The Chief Justice and the Three Puisné Judges.

" The Judges assembled for the purpose of enquiring into the question of precedence claimed by Mr. Justice Bedard in virtue of his Commission, and it was first proposed that they now decide thereon : whereupon the three Puisné Judges being of opinion, against the Chief Justice, that such is the right course,—it was determined by the majority of the Judges that they now pronounce on the validity of the grant of precedence given by the Crown to Mr. Justice Bedard over and above Mr. Justice Day and Mr. Justice Smith, his seniors on this Bench. And the majority of the Judges are of opinion, that the rank of a Judge being an incident of his office, it is not in the power of the Crown to deprive him of that rank, and that Mr. Justice Day and Mr. Justice Smith, being the Senior Judges on the Bench, must rank and take precedence accordingly, notwithstanding the clause contained in Mr. Justice Bedard's Commission giving him precedence, which grant, in the Letters Patent, the Judges are of opinion is void and of no effect, as being contrary to law. *Dissentiente*, Mr. Justice Bedard."

All which matters of fact will more fully appear by the authentic documents hereunto annexed.

That by the said "Determination, Rule or Order," (of which your Petitioner complains, as being unjust and contrary to law,) Your Majesty's Royal Prerogative is denied, the public administration of justice impeded, your Petitioner aggrieved and deprived of his just and legal rights, his rank and precedence in the Court to which he has been removed.

That considering the Despatch of the Right Honourable the Secretary of State for the Colonies, bearing date, Downing Street, 4th July, 1848, as containing evidence of a settled practice in England similar to that followed in relation to your Petitioner, he brought it under the consideration of his Honourable Colleagues, with a view of obtaining, upon what he considered a legal ground, a revision of this "Determination, Rule, or Order," but without success.

That there is no judicial tribunal in this Province under whose consideration, the said "Determination, Rule, or Order" of the first July, can be brought for the purpose of reversal on the ground of its injustice and illegality.

Your Petitioner trusting that his judicial conduct has ever been such as to entitle him, (to use the terms of a letter bearing date Downing Street, 27th March, 1839, from the then Secretary of State for the Colonies to your Petitioner), "to the credit of having discharged the sacred trust confided to him with a single-minded and upright desire to acquit himself of his duty to the Queen and to Her Majesty's subjects," cannot entertain the opinion that Your Majesty will sanction a determination which tends to place your Petitioner in a degraded position before the public, after twelve years of honest and faithful labour in his judicial capacity; nor can your Petitioner suppose that the readiness he evinced to place himself at the disposal of Your Majesty's Government, when called upon on public grounds by Your Majesty's Representative so to do, without any previous solicitation or demand on the part of your Petitioner, can be made to result in humiliation to your Petitioner, by the loss of a precedence enjoyed by him in all the Courts of the Province for several years past.