

Secondly, That the Judges of the Court of King's Bench be not Legislative Councillors, nor Executive Councillors, nor Privy Councillors, in any Respect, in the Colony.

Thirdly, That the Judges shall not be permitted to absent themselves from the Province but on the most reasonable Cause, and with Leave obtained as prescribed in the British Acts relative to Colonial Officers.

Fourthly, That the Judges be made independent, as in England, holding their Offices, not as at present in this Province, but during good Behaviour, to be enquirable into, by Impeachment alone, in the Provincial Parliament, before the Legislative Council, when that Body is so modified as to become an independent Branch of the Legislature.

Fifthly, That for some Time, at least 'till the Province affords an adequate Source of legal and constitutional Education, the Judges be appointed from the Bar in England.

Sixthly, That a Legislative Act be made in the Provincial Parliament, to facilitate the Mode in which the present constitutional Responsibility of the Advisers of the Local Government may be carried practically into Effect, not only by the Removal of these Advisers from Office when they lose the Confidence of the People, but also by Impeachment for the heavier Offences chargeable against them.

Seventhly, That our present Jury System be amended by a new Law, whereby the Jurors to be impanelled may be more equally selected from the Country, and less at the mere Nomination of the Sheriff or his Officers; such new Law to extend both to Grand and Petit Jurors.

Having thus, under the Pressure of the present Crisis, hastily concentrated our most pressing Grievances, and humbly prayed for the Royal Aid of Your Majesty's Prerogative in providing appropriate Remedies, we, Your Majesty's dutiful and loyal Subjects, cannot omit again to bring under Your Majesty's serious Notice, as indicative of the Necessity of a Change of Men and Measures, the recent violent and unconstitutional Removal from Office of the Hon. John Walpole Willis, a Public Wrong, calling more and more loudly for our most earnest Remonstrance to Your Majesty, and strongly elucidating the injurious Character of the Policy pursued by the present Provincial Administration.

Such was the Apprehension of the practical bad Consequences of the King's Bench being without a casting Voice, that, previous to Easter Term last, a Memorial was addressed to his Excellency, pointing out, in some Respects, the Failure of Justice in such a State of Things, and requesting his Excellency to suspend his Leave of Absence to the Chief Justice, whose Departure from the Province was at that Time publicly spoken of, even until after the approaching Term. His Excellency, however, did not think proper so to do, and the evil Consequences anticipated have been realized. During the Terms of Michaelmas and Hilary last past, with a full Bench, there was not fewer than Ten Cases wherein Differences in Opinion arose amongst the Judges on important Points; and in Easter Term, during which the Chief Justice was absent, the Two Puisné Judges were divided in Opinion in Six several Cases. In such a State of Things, substantial Justice cannot be said to be administered. The Provincial Law wisely enacts that Your Majesty's Chief Justice of this Province, together with Two Puisné Justices, shall preside in the Court of King's Bench. And as a Diversity of Opinion has, in many important Points, unhappily prevailed among the Judges of that Court, which is the only one of Superior Jurisdiction, and from which, in the vast Majority of Cases, there can be no Appeal, the Importance of maintaining that Court as organised by Law becomes the more urgent, and the Violation of that Law productive of the greater Evils.

Under these Circumstances we feel that the Hon. Mr. Justice Willis deserves the Approbation and Confidence of all good Men for withdrawing from the Court House, under a conscientious Conviction in his own Breast, that he could not administer Justice according to Law while the Court was not constituted as that Law required.

Sensible as we are that the Appointment of Judges, esteemed by the People for their Learning, and beloved by them for their Virtues, is in every Colony