

Excellency's consideration; various reasons of deep public concern, which I trust will shew your Excellency that the measure now in meditation, would be an act of power, vitally affecting the independence of the judiciary, the constitutional rights of the Legislative Council, and the Executive Government itself in all its Departments.

Your Excellency is pleased to assign three reasons for withholding my Warrant, the first of which is the difficulty which has been experienced in appointing a Commission, agreeable to the instruction of the Secretary of State; and on this point, I had the honor of submitting to your Excellency at an early period, my apprehensions, considering the prejudice which had been excited against the Court of Vice Admiralty, by *interested and factious* men, that it would be extremely difficult to find unbiassed persons, and men of sufficient legal knowledge, intelligence and integrity, to act as Commissioners on the projected inquiry, and that I thought no just or beneficial results could be expected from such a proceeding taking place within the Province. Your Excellency's experience has found my apprehensions not to be ill founded, and flattered as I must be to see that your Excellency coincides in opinion with me, I cannot but express my surprise and regret, that prepared as I have been to meet this inquiry, this "difficulty" should induce Your Excellency to forego the Instruction contained in Sir George Murray's Despatch, and adopt a course, which, by preventing me from justifying my conduct, will virtually be a condemnation of it without giving me an opportunity of being heard.—The second cause which has been assigned is, the reasons given by the Secretary of State in his Despatch, for believing that the salary allowed to the Judge of the Vice-Admiralty Court must be received as a full compensation for his fees of office.—I have, indeed, a perfect remembrance, when Your Excellency did me the honor of reading to me a part of that Despatch, that Sir George Murray did express an opinion unfavorable to my pretensions: But this opinion could only have been formed on a very imperfect knowledge of the evidence which sustained my claim both to salary and fees; and this High Officer, entertaining misgivings on the subject, deemed it but common justice, neither to commit the character of a judicial functionary, nor deprive him of Emoluments, enjoyed publicly for many years without instituting an enquiry into the complaints which had been made against him. In no other way, do I humbly conceive, can the Secretary of State's words and his actions be reconciled, for if his decision had actually been taken, he never would have directed a Commission to be issued, a proceeding which he himself anticipated would be attended with difficulties.—The third circumstance which has led Your Excellency to propose withholding my Salary, if I continue to take fees, is the Resolution passed by the Assembly during the last Session, to which, it would appear, that Your Excellency's attention has been specially called. The Resolution to which Your Excellency alludes, I have only within these few days, had access to see, and it is in the following words, "Resolved that it is the opinion of this House that sum not exceeding £200 sterling be granted to His Majesty to defray Salary of the Judge of the Court of Vice-Admiralty, provided he receives no fees of Office for the same period, that is from the 1st of January, 1830, to the 1st January, 1831.—This Resolution in no degree varies in substance from that of last year of which Your Excellency took no notice, and of a Resolution passed by that body in the year 1821, to which the attention of the Governor in Chief and Earl Bathurst was specially called, by address from the Assembly.—Whilst I am free to admit that the Assembly has a right either to grant or to withhold an aid to the permanent Revenue of the Crown, or to vote a supply in whatever proportion as may appear to them commensurate with the means of the Province and with advantage to the public services,