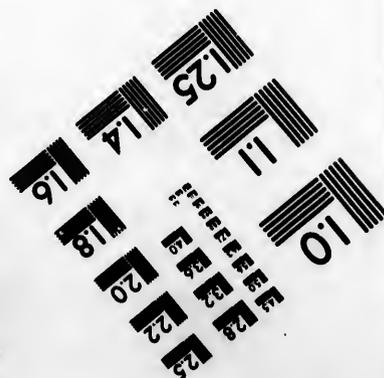
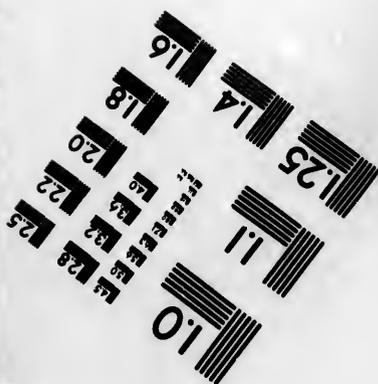
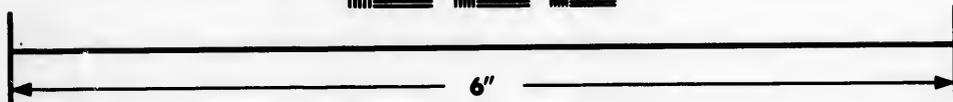
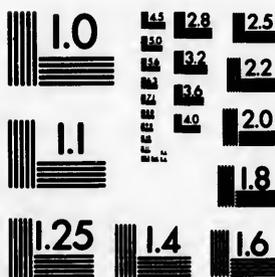


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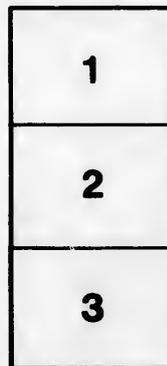
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PETITION

To the King's Most Excellent Majesty, (and to the several other branches of the Imperial and Provincial Legislatures.)

We, your Majesty's dutiful and loyal subjects, inhabitants of Upper Canada, are constrained by the most painful necessity, to appeal to the justice of your Majesty, against the misrule of the Provincial administration, and humbly to point out to your Majesty the alarming increase of our grievances, and the necessity of their redress, as they become more and more inveterate from the patience with which we have hitherto endured them. We offer our warmest thanks and gratitude to your Majesty, for appointing to be a judge over your Canadian people the Honourable John Walpole Willis, whose private virtues & acknowledged learning, blended with high and uncompromising principles, uniformly evinced in the impartial discharge of his judicial duties, have already endeared him to the country, as one of its greatest blessings, and as affording to the people the most flattering presage of a new era in the administration of justice. Of this blessing we have been unconstitutionally deprived, and misrule has at length become so bold, and power so indiscriminate of its victims, as to spurn from the judicial seat the Hon. Mr. Justice Willis, who there presented what has long been wished for, but seldom seen, the stern and fearless integrity and independence of a British Judge. Such judicial integrity and independence are alarmingly endangered when such a judge, without impeachment and even without a charge, can be so ignominiously removed from his high office.

Although we entertain the fullest confidence in your Majesty's desire to promote the happiness and protect the rights of British subjects, throughout your ample & glorious dominions, yet our hopes of speedy redress are not a little discouraged, by a knowledge that while we, on our part, open to your Majesty the abuses and oppressions growing upon us, the very persons we accuse are pressing through other channels, affording a more favourable access to your royal belief, those interested misrepresentations, which are designed both to promote misrule and protect the authors of it; for, it cannot be forgotten that misrepresentations from such sources have already recently endangered our civil and religious liberties and cruelly vilified and traduced the fair characters of the dissenting denominations of Christians in this Province. And the impending consequences of such secret misrepresentations are further apprehended from the tenor of the speech of the Right Hon. Wm. Huskisson, your Majesty's Principal Secretary of State for the Colonies, in the Imperial House of Commons, as reported in some of the public prints.

Notwithstanding defects in the law defining our constitution, we are, nevertheless warmly attached to it, and view with

just fear every attempt to amend it, without the intervention of our Provincial Legislature, which is the constituted guardian of our rights and liberties, and which, considering the great distance of the Imperial Legislature, can best understand our necessities, and apply the proper remedies. It has long been the source of many grievances, and of their continuance, that the Legislative Council is formed not of an independent gentry, taken from the country at large, but of Executive Counsellors and place-men, the great majority of whom, are under the immediate, active, and undue influence of the person administering your Majesty's Provincial Government, holding their offices at his mere will and pleasure. Hence arises in a great measure the practical irresponsibility of Executive Counsellors, and other official advisers of your Majesty's representative, who have hitherto with impunity both disregarded the laws of the land, and despised the opinions of the public. From the impunity with which the greatest abuses have hitherto existed, and the difficulty in such a state of things of applying an efficient remedy, most of our grievances have taken their origin and growth.

First, the rejection by the Legislative Council, of the most salutary measures passed by large majorities in the house of assembly, and much desired by the people.

Secondly, the frequent want of a casting voice in the Court of King's Bench, in this Province, owing to the illegal absence of the judges, especially of the Chief Justices, as well on distant journeys out of the Province, as on attendances in the Legislative and Executive Councils.

Thirdly, the undue influence which the mingled duties of Legislative and Executive advice, have on the judicial function.

Fourthly, the assumption of a power by the Executive to appropriate a large portion of the revenue and other monies, raised from the sale of land and otherwise in the Province, independent of the will or sanction of the Assembly.

Fifthly, the extravagant augmentation of salaries, offices, and public expences, quite disproportioned to the state and circumstances of the Colony.

Sixthly, the confinement of public prosecutions of offences to the sole conduct of the Law Officers of the crown in the colony, embarrassing private prosecutors in this small community, where the influence of politics and family connections, is so injuriously felt.

Seventhly, the retaining in public offices, and the introduction into the same, of persons who notoriously ought to be excluded.

Eighthly, the want of carrying into effect that rational and constitutional control over public functionaries, especially the advisers of your Majesty's representative, which our fellow subjects in England enjoy in that happy country.

Ninthly, our present imperfect jury system.

Tenthly, that Sheriffs, Coroners, and other public officers, hold their offices during pleasure, and not during good behaviour, or otherwise, as in England.

Eleventhly, that the supreme judges of the land hold their offices during pleasure, and are subjected to the ignominy of an arbitrary removal.

Wherefore, we humbly entreat for the interference of your royal prerogative, to favour our exertions to correct the grievances under which we labour.

We humbly suggest that the Legislative Council should be increased in number, of whom, a small proportion only, strictly limited by law, to be permitted to hold or enjoy any place of emolument or profit under the government, or to be members of the Executive Council.

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 enquireable 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's 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 realised. 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 Puisne 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 puisne judges, 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 so blessed, the most conclusive evidence of the health of the great body politic, so do we feel that this deliberate, violent, and unconstitutional removal of Mr. Justice Willis, depriving us of the benefit of his honourable and conscientious services, is a grievance of such magnitude as requires your Majesty's paternal interference; and this evil we feel the more serious, because it furnishes the present provincial administration, with an opportunity of placing upon the judgement seat a man labouring under those prejudices of family connections and party feeling from which Mr. Justice Willis was necessarily and happily free, persons wital very inferior to that Gentleman, in education, in talents, and in legal knowledge. While strongly feeling this injury, your Majesty,

will, we beseech, hear our complaint of the conduct of the hon. Mr. Justice Sherwood, who, in the absence of the Chief Justice, and of Mr. Justice Willis, proceeded alone to exercise all the powers of your Majesty's Court of King's Bench, and yet abstained from offering any justification for such assumption, for the satisfaction of the public, although requested to give to the Bar, his legal reasons for such a course. He had at that time vacated his office, by absenting himself from the Province, without the leave proscribed by law.

We should omit a matter of the first importance to the happy conduct of our civil affairs, did we forbear to mention to your Majesty, with all the delicacy becoming us, when referring to the exercise of your royal prerogative, the total insipitude of military men, for civil rule in this Province.

The almost constant absence of your Majesty's representative from the seat of Government, where almost daily is required his assiduous superintendance over public affairs, and public functionaries—his total inacquaintance with the inhabitants of the country, with the exception of those whose official occupations place them about his person, whereby he can be but ill informed of the true state of the country, or of the condition or wants and wishes of its people—the charge of disloyalty against those who question the policy of the present administration—a system of espionage spreading from the seat of government, over the face of the country—a threatened degeneracy in the state of society, endangering by the insidious operations of those morbid causes, that public feel-

ing, truly British, and yet happily alive in this colony.—the undue influence over electors in many ways, but especially by the issuing of patents granting land, sent into the country, in profusion to be distributed by candidates acceptable to the present Provincial administration—the acceptance of office by members of the House of Assembly, without vacating their seats, as is the necessary consequence in England, and the almost mortal violence offered to the constitution by the exercise of worse than military rule in the intimidation of the more dependent members of the Legislative Council into the views of the administration, at the peril of their offices, as was exposed in the testimony of the Honourable Wm. Dickson and the Honourable Thomas Clark, in their evidence before a committee of the House of Assembly, during the last session of the Provincial Parliament. Wherein, we your Majesty's faithful and loyal subjects, being greatly aggrieved, most humbly, most earnestly, and confidently pray your Majesty, for redress as far as such redress lies within your Majesty's constituted power. And as an object filling us with peculiar solicitude, we do most earnestly importune your Majesty, that you will be graciously pleased to restore Mr. Justice Willis, to the Honourable situation to which your Majesty had appointed him, and thus protect your Majesty's royal choice, your faithful judge, and us your loyal subjects, from the wrongs that arbitrary rule in the Provincial authorities unchecked, would assuredly inflict.

And your Majesty's petitioners, as in duty bound will ever pray.

