

"2. St. Paul says, that 'without shedding of blood there is no remission.' Heb. ix. 22. You are taught that an unbloody sacrifice is a true propitiation, whereby are remitted the sins of the dead and the living.

"3. St. Paul teaches that 'there is one God and one mediator of God and men, the man Christ Jesus.' 1 Tim. ii. 5. You are taught that there are many mediators; that it is lawful to pray to join their names to that of Christ Jesus, (Mary, Joseph, &c.) Nay, in your books of devotion, language is applied and addressed to the Virgin Mary, which ought only to be addressed to the "One God."

"4. Our Lord and his Apostles teach us, that in the Eucharist, bread and wine are to be received for the Commemoration of Christ. Luke xii. 19; 1 Cor. xi. 24, 25. You are taught that Christ himself is bodily present; that by what is called 'Transubstantiation,' the consecrated wafer has been changed into that very Jesus who died upon the Cross, and who is now in Heaven, and you are called upon to disbelieve the testimony of your senses which all agree in telling you that no such change has taken place.

"The Scripture has declared that they be no Gods which are made with hands. The prophet Isaiah shows the folly and sin of these idolaters who cut down a tree, and burned part of it in the fire, made the remainder of it the object of worship; and those who make a God of gold and silver, and carry him about on their shoulders, and set him in his place and then worship him. Isaiah, xliv. 17., xlv. 7. You are taught to commit a like evil when you worship the wafer made with hands and out of the ordinary materials of human food, as if it were the God that made Heaven and earth.

"6. Holy Scripture teaches that to be absent from the body is to be present with the Lord. 'Blessed are the dead which die in the Lord'—and that after this life ended, they who sleep in Jesus shall never again know sorrow or suffering. 2 Cor. v. 8; Rev. xiv. 13. You are taught that there is a purgatory, a place of torment after death through the purifying fire of which the passage lies to heaven.

"6. Holy Scripture leads the sinner directly unto God through Jesus Christ, and assures the man who believes upon the Saviour of a full and free gracious pardon for all his transgressions. It tells him that the blood of Jesus Christ 'cleanseth us from all sins.' Ephes. i. 7; Colos. i. 14; 1 John i. 7; Acts xiii. 38, 39. You are taught the necessity of private confession to a man like yourselves, and led to look to man for pardon; whilst at the same time you are denied the comfort of assured forgiveness, and told that even beyond the grave the punishment of sin is still inflicted.

"7. Our Lord reproved the Jews for having made void the commandments of God, that they might keep their own traditions; teaching doctrines and precepts of men. (Mark vii. 7, 9.) St. Paul commended Timothy for having from infancy known the Holy Scriptures, which can instruct unto salvation by the faith which is in Jesus Christ, and he tells us that all Scripture inspired by God is profitable to teach, to reprove, to correct, to instruct in justice, and the man of God may be perfect, furnished to every good work. 2 Tim. iii. 15, 17. You are taught that traditions said to have been handed down from Christ and his Apostles, are to be received with equal love and reverence as the Holy Scripture; and that Holy Scripture is only to be admitted in that sense which the Church has put upon it, and which has had the unanimous consent of the Fathers. As your Church has never published these traditions nor the interpretation of the Fathers, you are practically shut out from the Bible which can instruct unto salvation, and left without a guide.

"Where shall we find in the professing Christian Church a prohibition to marry? The Church of Rome forbids it to her priesthood. Where shall we find a Church commanding to abstain from meat, and thus denying that every creature of God is good? The Church of Rome answers the description. Where shall we find the commandments of men set above the commandments of God? The Church of Rome teaches you that an ordinary priest may absolve from a violation of the commandments of God; but it requires a bishop to absolve from a violation of the commands of the church.

"It would be easy to multiply such statements. Ask yourselves what can that system be, of which all these charges are true? Must it not be what St. Paul foretold and which the christians of old were taught to expect, now revealed before our eyes 'the great departure from the faith?' Read the word of God for yourselves. Search your own translation of the Scriptures and examine whether these things are not so.

"The doom of this system is also foretold in Scripture. Numbers cannot uphold or save it. It is the great antagonist of God's truth. He that is with the one must be against the other. We beseech you to come out from it, that ye partake not of its plagues, and be not consumed in its overthrow.

"In setting before you these important subjects we are influenced by the kindest feelings, we desire to avoid all harsh language (we can truly say that our hearts desire and prayer for you is, that you may come to the knowledge of the truth as it is in Jesus, and with us be partakers of his great salvation.)"

(Signed by the Bishop of Cashel and 65 of the Clergy of the Diocese.)

PROFESSOR WEBSTER.—The counsel employed to defend Professor J. W. Webster, in his recent trial for murder, have taken out a "writ of error" on the ground that the indictment was not correctly certified up to the Supreme Court, from the Municipal Court. The Clerk of the Municipal Court states that the indictment was transmitted and certified to the Supreme Court as all other capital indictments returned from the Municipal Court have been under the law of 24th February, 1844, and that Washington Goode was tried, convicted and executed under an indictment certified and transmitted as this was. We learn from a responsible source, that a hearing on the above matter will be had this morning, in the Supreme judicial Court.—*Boston Advertiser, May 1st.*

PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY.

SPEECH OF THE MASTER OF THE ROLLS.

(From the New Brunswick Reporter.)

On Thursday, the 18th inst., pursuant to leave granted the Master of the Rolls appeared at the bar of the House of Assembly, and addressed the House to the following effect.

MR. SPEAKER.—Having accidentally learned that a measure had been introduced into this House, by the hon. and learned Atty. General, having for its object the reduction of the salaries of the judges, and no communication having been previously made to the judges of this intention, whereby an opportunity would have been afforded, had they thought proper to do so, of laying before His Excellency the Lieut. Governor and Executive Council, any objections they might desire to urge. I have deemed it advisable to address this House on the subject. A further reason for so doing arises out of the somewhat anomalous constitution of this country. The term *Government* adopted is all from England and is the term by which the Ministry were designated from the functions they perform. A colony differs from the mother country inasmuch as it has no question of peace and war, no foreign diplomacy, no army and navy, and the remaining subjects with which the ministry in England are charged are in this colony confided wholly to no one body, but are divided. A part of the ministerial duties are performed by the Lieut. Governor and Executive Council, and another part directly by this House.

For instance the appointments to office the general superintendence of affairs, are referred to the Lieut. Governor and Council; while on the other hand, the determining the amount and value of the duties to be levied and also the mode in which the revenue shall be appropriated, which in England rest on the responsibility of the ministry, are here directly regulated by the House of Assembly. This being the case and constituted as this House is, comprising within its members of the Executive Council,—in addressing this hon. House, in a manner and perhaps the most effectual manner, address myself to the Government of the Country.

There is a third reason occasioned by the entire exclusion of the Judiciary from the Legislature. It is well known that the Judges formerly performed executive duties, which I believe with the general concurrence, have long ago ceased, more recently they had seats in the Legislative Council, to which they do not now belong. In this respect the Legislature of this Province differs from that of England. In that country legislation reflects the lights of both branches of the Profession, the Bench and the Bar, the former from the Upper House, the latter from the Lower. Here it reflects the lights derived from the Bar alone. The consequence is that whatever the subject of legislation, the members of the Bench can communicate their views to the Legislature only in writing or through the public press. All connection being thus ended, there is therefore no channel of communication through the Legislative Council.

Under these circumstances, and believing the subject before the House of much graver importance than it has been considered, I have desired to lay before the House the grounds of my objection to this measure.

I object then to this measure, because it violates private rights—because in order to do so it contravenes a great principle of public policy connected with the administration of justice—and because it places this province in a false position with the mother country.

It is almost unnecessary to say that the well-being of every civilized community depends on the proper adjustment of the three great branches of government, the Executive, the Legislative, and the Judicial. In some countries, the two first of these several departments are entirely distinct and separate, in others that separation is modified, but in all, the well being of the community in a very great degree depends on an independent Judiciary.

In proof of this look at the state of many countries of the East, there oppression and violence abound—the defenceless rich are alike at the mercy of their more powerful neighbors, the petty chiefs who tyrannize over their persons and property. And why is this? Because there is no arm strong enough to redress their wrongs; there is no tribunal that dares to restrain the hand of power.—There is no independent Judiciary.

Look at the despotisms of Europe, both of the past and the present day. How many tales of oppression could the Bastille and the Desert of Siberia disclose. In a memoir of Kotzebue a striking instance of the state of things in Russia is mentioned. Kotzebue while travelling to St. Petersburg from Germany under a safe conduct from the Emperor after he had entered the Russian dominions was suddenly seized, torn from his family who were with him without any intimation of the cause of his arrest, and sent to Siberia; after some months he was released, and on his return ascertained that an expression in one of his phys which was supposed in some way to reflect on the Emperor, was the cause of his seizure.

The same work mentions the case of a clergyman who had written something, I believe in a sermon, which gave offence to the Emperor at whose instance he was brought before the court, and an Imperial mandate was delivered to the judges that a sentence should be registered against him to be tied up and publicly flogged, which the Judges dared not disobey. There was in Russia no independent administration of Justice. In Spain also justice is scarce more than a name.

And what was the state of England itself before the Revolution. The work of Macaulay which is in every one's hands, exhibits a wretched state of things. The Judges of the common law, holding their situations during the pleasure of the King were scandalously obsequious.—Yet obsequious as they were, they were less ready and efficient instruments of power than a class of Courts, the memory of which is still, after the lapse of two centuries

held in deep abhorrence by the nation. Foremost among these courts in power and infamy, were the Star Chamber and the High Commission, the former a political the latter a religious inquisition. The cruel and barbarous sentences pronounced by these tribunals are well known, as in the case of Prynne and many others. These were abolished, and Cromwell appointed good judges, but their functions were occasionally superseded by his Major-Generals. And the closing infamy of Jeffries consummated the iniquity perpetrated through the judicial tribunals.—Such was the state of the administration of justice in England before the period of the Revolution. What took place then? What was the remedy which the wise and patriotic men, the Somers and others devised. It was a very simple one, it was embodied in an act of Parliament, and was comprised in a few words. It was enacted that henceforth the Judges should hold their office during good behaviour and not as before, during pleasure, this was all. The Judges thenceforth became independent of the power of the Crown, except being removable on the address of both Houses of Parliament. This was not by virtue of any inherent power in either of those bodies, for the House of Commons has no judicial power and that of the House of Lords is only on impeachments or in matters of appeal, but by the express terms of the Act of Parliament itself which establishes its tenure. Judicial independence was thus established, and from that time any Minister of the Crown who should venture by any act of the prerogative to attempt to violate that judicial independence would incur a very grave responsibility before the Commons of England and the people of England.

What would then have been thought of this wise provision of the fathers of the Revolution if an influential minister could have said? "True, the Crown is prohibited from removing them, but we can deprive the Judges of their salaries." What would have been the value of the change of tenure if they could be affected in that way? But when the crown, as it is authorized by Parliament to do, granted the Judge his office, to hold the same during good behaviour, it was at the same time and by the same instrument granted to him, to hold the salary affixed thereto, during his tenure. His commission was an *indefeasible title from the Crown to hold both office and salary during good behaviour*, (which, as is familiar to lawyers, is a tenure for life,) of neither of which could he be deprived.

When George the third came to the throne, historians inform us that his address to Parliament on this subject was universally regarded as a most auspicious commencement of his reign.

His memorable words on that occasion were—

"My Lords and Gentlemen,
"Upon granting new commissions to the Judges, the present state of their offices fell naturally under consideration.

"In consequence of the act passed in the reign of my late glorious predecessor King William III., for settling the succession of the crown in my family, their commissions have been made during their good behaviour; but notwithstanding that wise provision, their offices have determined upon the demise of the crown, or at the expiration of six months afterwards, in every instance of that nature which has happened.

"I look upon the independency and uprightness of the judges of the land, as essential to the impartial administration of justice; as one of the best securities to the rights and liberties of my loving subjects; and as most conducive to the honour of the crown and I come now to recommend this interesting object to the consideration of Parliament, in order that such further provision may be made for securing the judges in their offices, during their good behavior, notwithstanding any such demise, as shall be most expedient."

Was it, I would here ask, a solicitude for the special interest of the judges which dictated this recommendation to secure them in their offices and emoluments? No! and I beg attention to this point, but because with their independency was essentially connected, the "impartial administration of justice, the rights and liberties of the subjects, the honor of the Crown."

Then turning to the House of Commons, his Majesty continued. "Gentlemen of the House of Commons,—I must desire of you in particular, that I may be enabled to grant and establish upon the Judges such salaries as I shall think proper, so as to be absolutely secured to them during the continuance of their commissions."

Since these wise provisions have been adopted, the administration of impartial justice, has become so well established in England, and I may say the same I believe here, and men are almost unconscious of its inestimable worth, like other common blessings, for which we are but little thankful, the air we breathe, the water we drink, flowing from a thousand streams around us; we are apt to forget its value; but let us be removed to a pestilential atmosphere or placed among those parched deserts where a scanty supply of muddy water is with difficulty obtained, we should soon learn to estimate what now we disregard. And so in regard to the administration of justice, let men taste of the evils which were formerly endured under a servile and dependent Judiciary, and they would very readily understand the value of the change.

In framing the commissions of the judges of the Supreme Court here, for some reason it was thought proper to pursue the old form, to be held during pleasure but virtually they hold during good behaviour, and this has been repeatedly acknowledged by Colonial Ministers by whom the rights of those judges are held as sacred as if the form of their tenure had been otherwise.

It is well known that by the compromise made with the Crown, the casual and territorial revenues were surrendered to the Province, on the sum of £14,000 being secured annually for the support of the civil list including the Judges at certain fixed salaries. With that subject I need not further trouble this hon. House as with it individually I have nothing to do, but with the despatches written on the subject of that compromise, I am concerned as the principles applicable to it are in like manner applicable to my own position. It is unnecessary that I should read to