

repose you seek, and which so long a life of active duty must render most acceptable.

17th October, 1865.

A. J. SMITH, Q. C., *Chairman.*

GEO. J. BLISS, *Sec'y Barristers' Society.*

REPLY.

Mr. Attorney General and Gentlemen of the Bar Society,—

After so long a connection with the Bar of New Brunswick, it would have been very painful to me to have parted from its Members on any terms but those of kindness and friendship. The Address which you have now presented must quite satisfy me on that point, though independently of that Address I will be bold enough to say I had little doubt about it.

I cannot however but be much gratified by this expression of your good feeling towards me in whatever light I may view it. If I may flatter myself that what you say of me is strictly correct, I may feel not only that I have your good opinion, but that to a certain extent I deserve it. If again I hesitate to adopt that view, I must feel grateful for that kindly feeling, which in the closing scene of my judicial life, can draw a veil over my shortcomings, and colour any merits I may have possessed with a tone of friendly exaggeration.

Thirty one years is indeed a long period for any one man to hold a seat on the Bench, (with me it is more than one-half of my whole lifetime.) It is a still rarer period for two men to sit together on the same Bench, as has been the case with that most able Judge and excellent man your present Chief Justice and myself; and it is again a still rarer circumstance that two men should have been so connected together for so long a period, between whom nothing has ever, during the whole time of their joint labours and private intercourse, been written, said or done which either would wish unwritten, unsaid, or undone.

Throughout the whole of my judicial career I have felt it to be an inestimable blessing, that I have always been associated with men fully impressed with the serious trust confided to them; bold in announcing the honest convictions of their own minds; respectful to the opinions of those who differed from them; and generally animated by a spirit of mutual respect and accommodation, which has tended to smooth many a rugged path and to lighten many a heavy labour. Very sure am I that the last addition to the Bench will in no way diminish either its courtesies or its usefulness.

Possibly the step I have taken in resigning a high position, and the whole of my official emoluments, may to many appear one of doubtful policy and wisdom. It is one, however, which I have not taken without much anxious consideration. Finding that the labours of my office had much increased in the last few years, and are likely to continue in the same direction; feeling that my own powers of body and mind are taking rather an opposite course; and being especially conscious of an increasing inability satisfactorily to control, or patiently to endure the antagonism and turmoil of *Nisi Prius* business; I have quite satisfied myself that I am right in following the advice of the Latin Poet,—

"Solve senescentem mature sanus equum, ne
Pecceat ad extremum ridendus, et illa ducat;"

and truly thankful am I to a bountiful Providence, which has enabled me to do so, and yet be able to enjoy the ordinary comforts of life. All Judges may not, however, be in the same position; and I trust you will bear with me in a few observations on a subject on which I have always felt strongly; on which as long as I held a seat on the Bench my lips were necessarily sealed; but on which, now that my personal interest in it has passed away, I may freely speak. I do not allude to the amount of judicial salaries; they were fixed many years ago, with singular unanimity, by a Legislature which contained many professional men of high standing and of opposite political principles, as sufficient to maintain the Judges, in accordance with the dignity of their office and their position in society. Some persons may now think them barely sufficient for that purpose; others may think them ample; but the most enthusiastic advocate of economy and low salaries will hardly contend that they will enable a Judge to maintain his family in a manner at all consistent with his official position, and lay by out of that salary enough to furnish the means of independent support, when age or infirmity may render him unfit for the efficient discharge of his very arduous and responsible duties.

What, then, is the position of a Judge in this Province, (for what I complain of is unknown in the greater part of the British dominions) who, entirely dependent on his judicial emoluments, is rendered unfit by years or sickness for the proper discharge of the duties of his office? Four courses only lie before him. He may by voluntary resignation sentence himself to penury and want. He may be turned out of his office a beggar, as worn out and useless. He may throw his labours, partially or entirely, on his brother Judges, already sufficiently burdened by their own duties; or he may continue to drag himself on to the judgment seat, and feebly struggle on in the nominal discharge of his duties, an object of commiseration to all, and to none more so than himself, and an unwilling impediment in the way of those whose interests are involved in his decisions. I cannot bring myself to believe that the people of this country, who I think have ever held their Bench in respect and confidence, would wish any of their Judges to be placed in so degraded and mortifying a position; nor would begrudge the appropriation of a very few hundreds from the annual surplus of the Civil List, to remedy that which is a manifest private wrong and may be a public mischief. No

class in the community can so well understand this subject as the Bar. No class of men have now more influence in the Legislature and in the Government of the day. I can safely say that should any suggestions I have now made lead to a consideration of the subject, and to the adoption of some measure of a just and prudent nature, by which the evils I have shadowed forth may be prevented, I shall remember the few words I have uttered on this occasion with more satisfaction than the most laboriously prepared judgment I have ever pronounced from the Bench of the Supreme Court.

I cannot allow this, the last occasion on which I shall ever address the Bar of this Province, to pass without expressing to them my sincere appreciation of the marked courtesy and kindness which (with exceptions so few and rare that my memory declines to dwell on them) I have ever personally experienced from them from the first day on which I took my seat on the Bench, a perfect stranger, down to the present moment. They will, I trust, accept my earnest wishes for their advancement in standing and usefulness, and that they may never forget to temper the acuteness of the mere lawyer with the principles of the rightminded and honorable gentleman.

With every kind wish for your welfare, collectively and individually, I now bid you farewell. Be assured, that wherever the remainder of my days may be spent, I shall be glad to retain the kindly feelings which, by the proceedings of this day, you have manifested for me.

J. CARTER.

(No. 261.)

CROWN LAND OFFICE, NOV. 7, 1865.

THE following Lots of Crown Land will be offered for sale on the first Tuesday of December next, commencing at noon.— Conditions will be announced before Sale.

GLOUCESTER.

By Deputy Rutlimer, at Salmon Beach.

- 105 acres, lot 3 east, block 41, New Bandon, James Butler; improved by Thos. Butler.
- 42 acres, lot 77, block 41, New Bandon, Wm. Knowles, improved.
- 30 acres, lot 1, block 41, New Bandon, John Dempsey.
- 98 acres, lot 30, Canobie, New Bandon, Walter Glendinning, improved.

By Deputy M'Manus, at Bathurst.

- 34 acres, on lot 3, Black Point, Beresford, Paul Devereaux.

KENT.

By Deputy Douglas, at Buctouche.

- 90 acres, lot 63, Township three, Dundas, Stephen M'Carthy; improved by applicant.
- 100 acres, lot 73, Township three, Dundas, James Farrell.
- 112 acres, 53 west and 54 west, North Township, Sylvan Basterash.

By Deputy Little, at Richibucto.

- 100 acres, lot 102, block Z, Richibucto, Andrew M'Ewin, improved.
- 81 acres, lot 28, block V, Richibucto, Peter Myers.
- 90 acres, lot M, block 103, Weldford, Arch. M'Leod.
- 100 acres, lot 180, block M, Weldford, Wm. Smith.
- 123 acres, lot 50, block 11, Carleton, Isaac Dunn.

WESTMORELAND.

By Deputy Cutler.

- 96 acres, lot V, block F, Shediac, Arch. Murray.
- 100 acres, lot 44, block K, Shediac, J. S. Trites and S. Porrier.

By Deputy Palmer, at Sackville.

- 100 acres, north of lot 19, block P, Botsford, Amos Brine.
- 56 acres, lot 113, block P, Botsford, Henry M'Nutt.
- 100 acres, lot 47, Emigrant Road, Botsford, A. Longchester.

By Deputy Wilmot, at Salisbury.

- 70 acres, lot 116, north range, block 18, Salisbury, Wm. Brown.
- 96 acres, lot E, block 31, Salisbury, G. A. Cochran; improved by applicant, value \$300.

ALBERT.

By Deputy Russell, at Hopewell.

- 102 acres, lot V, block 16, Hopewell, James Blight.
- 20 acres, Demoiselle Creek, Hillsborough, James Blight, Jr.
- 98 acres, lot 239, block 20, Elgin, R. C. Weldon; improved by E. Condie, \$20.

CHARLOTTE.

By Deputy Curran, at Saint Stephen.

- 55 acres, on lot 6, block W, Wentworth's division, St. David's, Chas. Waldron.
- 59 acres, east of lot K, northwest Digdeguash, Saint David's, Hiram M'Laughlan.

QUEEN'S.

By Deputy Snell, at Grand Lake.

- 100 acres, lot 8, block K, Waterborough, D. D. Currie; survey \$2.

By Deputy Starkey, at his residence, Johnston.

- 100 acres, lot 9, block K, N. T. Wheeler; survey \$2.

YORK.

At the Crown Land Office.

- 100 acres, lot 14, block 32, Magundy, Dan. M'Gibney; subject to payment for improvements made by Patrick & Bridget M'G. and applicant.
- 100 acres, lot 157, block 3, Wesleyan Tract, Saint Mary's, Elias Collins; survey \$4.