

causes. — Since I have been in the Colony, I have acted nearly the whole time as a magistrate, and in all criminal causes have transmitted the depositions direct to the Judge Advocate, who has drawn the informations in his own proper character as Judge Advocate, or allowed the parties to draw them in his name which informations have been exhibited by him before the Criminal Court. If in any instance he employed his Clerk to write the informations, this was done merely to relieve himself from the fatigue of writing. The informations were always drawn under his own immediate directions without any reference whatever to his Clerk nor were any depositions ever laid before the Judge Advocate's Clerk, but through the medium of the Judge Advocate, — For these well known reasons I could have no Idea that the Clerk of the Peace was the proper Officer before whom the depositions should be laid, As I never conceived that the Clerk of the Peace should have any thing officially to do with them. No officer of this nature having ever existed in the Colony. I would further remark, that I have heard the late Honble Judge Advocate Mr Ellis vent speak his sentiments on the authority committed by the Charter to the Judge Advocate of this Colony. And he always gave it as his opinion that it would be extremely dangerous to the Administration of Public Justice, if the same Authority was vested in the Judge Advocate for the time being, as that possessed by the Grand Jury in England, and I may venture to say, that he never acted upon this principle while he had the honor to preside as Judge Advocate in our Criminal Courts. He considered that it was a matter of too great importance to every Member of the Community to be left at the sole discretion of one Man to determine, whether a cause should or should not be heard before a legal Tribunal, And that it was the sole province of the Criminal Court and not of the Judge Advocate alone, to decide upon the Evidence in such cases, I believe that this opinion has always been held and maintained to the present time, by all who have had the Administration of the Criminal law, as well as by other persons who have given this subject any Consideration. In the present instance I am satisfied that the Affidavits furnished by me to you, contain sufficient Evidence in both Cases, for my Complaint being heard before a Criminal Court. — But if the Evidence should appear in a different light to you as Judge

Advocate