

davit to justify the Continuance ordered on the preceding Day, which Affidavit is in the Words following, viz. "S. S. Blowers," Attorney for the Defendant in this Cause, maketh Oath, that "from the Facts stated to him by his Client, he advised him to send for and procure from the Island of Antigua the Custom House Documents, with the Manifest and Entry of the Ship, commanded by Capt. Probert, in which the Goods sued for were shipped, and has ever since expected to be furnished with those Papers, but has not yet received them, and knows not why; that he hopes, however, to receive them before the next Term, if they can at all be procured." It must be obvious to every professional Man, that this Affidavit does not contain a single Particle of Matter to justify a Continuance, as I stated to the Committee. It was upon exposing the Affidavit as insufficient, the Evidence stated to be wanted therein, not appearing to be material to the Issue, nor averred to be so, that the Chief-Justice was induced to desire that Mr. Blowers would add, that it was material, which he refused doing. As for the proposed Offers of Accommodation, to suffer the Deposition of the Witnesses to be taken *de bene esse*, I was not in the least indebted to him for it, a Law of the Province authorising such Depositions, when the Witnesses are going out of the Province. Had Mr. Plain Truth have known as much of Law as he does of Equivocation, and had any Character to lose, he never would have advanced an Opinion, which every Person who has the least Pretensions to legal Information must know to be bad—the Quarter-master of the Regiment having stated himself, in his Orders, to be the agent of the Defendant; no Action could therefore be maintained against him in the first Instance. This is a fair and candid Statement of the Cause, and I leave it to the Public to judge, if I was not warranted in the Allegation made to the Committee thereon.

The next Cause that I mentioned to the Committee was *Copland* against *Holmes*; this is noticed by Mr. Plain Truth, as the only Case which Mr. Sterns and myself had concurred in deciding, and which Observation by no Means tends to establish the Concert between us he asserts. I have Reason to believe that the Verdict in this Cause was generally satisfactory—it was perfectly so to me. I, however, well recollect that the Exceptions taken by the Defendant's Counsel to the Opinion of the Court were fairly stated, and that the Court, notwithstanding, denied that they had given any such Opinion, and refused signing the Exceptions.

The next Charge I mentioned to the Committee, relative to the Rules of Court being retracted and enlarged for the Purpose of favouring Parties, &c. I should have shewn many Instances in support thereof, which would have established the Fact beyond a Doubt, had there been a Trial. At present suffice it to refer the Public, to the Cause *Tremaine* and *Stout* against *York*, above stated, as one Instance wherein the Rules were perverted; and the Cause *Copland* against *Abbott* as another Instance thereof.

The next Charge that I stated to the Committee was, that I had conceived the Court often to mis-direct the Jury, both as to Matter of Fact and Law: This Fact, I aver, must be well known to every professional Man in the Province, and by every Man of common Sense, whose Business has frequently required his Attendance on our Supreme Court. Mr. Plain Truth seems to value himself here upon discovering a Difference of Opinion between Mr. Sterns and myself; was this warranted it would further prove that we have not acted in Concert on this Occasion: But the Fact is, that there is no difference in our Opinion in this Instance. Mr. Sterns says, that Juries pay no Regard to the Opinion of the Judges: I say, that I have often conceived them to misdirect Juries. The Effect Mr. Sterns pointed out, is the natural Consequence of what I have asserted.

I next stated to the Committee, that I had known them endeavor to send away a Grand Inquest, prejudiced against a Person whose Life was at a Stake—in support of which I cited the Case of *Cunningham*, of *Windfor*. The Fact is admitted by Mr. Plain Truth. I was not called upon to give my Opinion of the private Virtues of the Chief-Justice, and whatever my Sentiments of them may be, I don't feel the least inclined to contradict what is said about his tender and benevolent Heart, but I am sure that even Mr. Justice Deschamps cannot feel himself much pleased with the salsome Flattery of so contemptible and time-serving a Sycophant as the real Author of Plain Truth is known to be. Had there been a Trial, I should have distinguished between the Conduct of the Judges on this Occasion, and have done what our Author has done, have fastened the Charge on Mr. Deschamps in particular.

When it is considered that ill Language is in the Power of every Person who is base enough to make use of it, I am confident that the Conclusion of our Scribler's virulent Production, will have no other Effect, but to prove the blackness and depravity of his own Heart.

I shall now conclude with observing, that the Prediction mentioned in a former Publication is verified, that the Author of Plain Truth would acquit himself to disgracefully, that his Friends would be ashamed both of their Cause and its Advocates.

W. TAYLOR