

refused, I was requested to state my inducement for what I had said to Mr. Hillier; and especially requested to see the papers which they understood I had shown to Major Hillier.

The answer was, to place the papers in the hands of Mr. Macaulay to read aloud; observing, at the time, that it was not usual to open to a prosecutor the means of defence; but that I considered myself in the hands of men of honor, and had no concealments.

The Correspondence with Mr. Wood of 6th and 7th July, 1810, was then read, and Mr. Wood admitted that he had received my letter. They then requested the other paper, which Mr. Macaulay read until he came near some names; on which I put my hand, saying that I could not allow him to go further, unless he would declare that the names of any persons should not be repeated, or in any wise made use of.

Mr. Macaulay then declared that he had accompanied Mr. Wood professionally, to report all that should pass, and could not undertake to conceal any thing.

I took the paper from him, and declared that I was sorry, on Mr. Wood's account, that this business had taken such a course; but that for myself, I was equally ready to repose my defence on the public at large, a jury of twelve Dutchmen, or any twenty Gentlemen of York.

The same day, in the robing-room, I found Mr. Justice Boulton, the Attorney and Solicitor-General, and mentioned to them the expected motion for a Mandamus, and expressed to his Majesty's Attorney-General a hope that I might have his aid to make my Return; but I understood from him that, on his arrival at New York, Mr. Wood's case had been stated to him, in hope to retain him, which he had declined, but could not be against him.

The motion was made for a Mandamus, on the usual affidavit of a right, and the refusal to administer the oath; and it was served upon me on Tuesday; and the same day a declaration in damages to the amount of twenty thousand pounds, for the supposed injustice of such refusal, without probable cause, but from malice and wickedness of heart.

Your Excellency may perceive, from the accompanying certificates of the three Commissioners and Major Hillier, that there is no foundation in fact for the affidavit on which this Mandamus issued; for I never saw Mr. Wood on that day but in presence of those persons, except whilst we were by ourselves in my study, where I urged him to decline for the present to be sworn in; but on his persisting, I accompanied him into the presence of the other Commissioners, determined to require the presence of your Excellency's Secretary at the administration of the oath of Mr. Wood.

However misguided this gentleman is in this affidavit, I have fears that it may lead to ulterior measures, which may compel a disclosure to the public which I have ever deprecated from motives, I persuaded myself, of the purest philanthropy; but others may not think so, and the array against me is formidable in talents and influence.

