

Mr. Burwell on being questioned admits the 3rd reason to be merely a general remark.

As regards the 4th Reason, taken by itself the accusation is too general to admit of examination. If the Bench permit the Clerk of the Peace to dictate to them, that Officer becomes the master instead of the servant of the Court, and in Justice to the Individual now holding that important station, your Committee feel bound to record their high opinion of his useful services, and to repudiate the idea of any attempt on his part, so far as is consistent with their own experience "to use the authority of the Bench as a Cloak."

In prosecuting their enquiry on the 5th Reason your Committee having called Mr. Burwell before them, find that the order for £186 was paid to the Clerk of the Peace by the recommendation of the Committee of accounts in April 1837, on application from that Officer that he had not then time to make up his accounts, and the amount of the previous year was fixed upon as the guide. Your Committee have examined the members of that Committee, who all state that Mr. Burwell as one of their number concurred in the recommendation. This statement is denied by Mr. Burwell, who asserts that he protested against the order on the ground, that payment of certain *Extra* services had been made in the previous year, which could not occur again, and that consideration was not had of this circumstance in the payment recommended by the Committee of accounts. Your Committee are of opinion on the evidence brought before them, that Mr. Burwell's assertion is entitled to no credit, and is contradicted by the written and oral testimony before them; Mr. Whitehead the Chairman of that Committee expressly states that the amount was to be subject to revision on production of the accounts in detail.

Your Committee do not conceive any further remark necessary, and in concluding their report have to state that the two charges made against the Bench are in their opinion frivolous and vexatious, and even supposing them not to be so, Mr. Burwell was a member of the Committee on the Table of Fees, and of that for the account of 1837, which passed the order mentioned in the 5th Reason; this must throw upon himself a portion of the blame he is so anxious should be entirely borne by others of the Magistracy.

(Signed)

H. HYNDMAN, *Chairman.*

*Report adopted in open Court of General Quarter Sessions, this 13th day of April, 1839.*

(Signed)

J. B. CLENCH, *Chairman.*

*A true Copy,*

J. B. ASKIN, C. P.