

When we state these proceedings to your Majesty, we would not wish to convey any Idea, that it is upon them the late Governor founds his reasons for displacing the Chief Justice, especially as your Majesty had, in the eighth Article of your Royal Instructions to your Governor signified your express Will and Pleasure, that he should permit to all the members of the Council to have and enjoy freedom of debate and vote in all Affairs of public concern, that might be debated in Council; ¹ but we lay these Facts before your Majesty simply, as they stand upon the Minutes, to which we are referred, that no particular of the proceedings, wherein the Chief Justice dissented from the prevailing Sense of the Council may be withheld from view on this examination; at the same time also, that we state these instances, in which the Chief Justice divided against the Majority of the Council, we must in Justice observe, that in the case of certain propositions, as the foundation of an Ordinance moved for by M^r Caldwell, one of the said Council, and rejected by a Majority, it is stated by M^r Livius, that he took part in the rejection of those Motions, and the Ordinance thereupon dependent. We proceed now to consider, what we must believe to have been the especial Cause of M^r Livius's removal; the two following motions made and proposed by him in Council, the first of which we find in the Minutes of the 8th of April in the following words, viz.

"The Chief Justice moved That this board not having hitherto had "Communication of his Majesty's Instructions for making and passing "Laws in this province, His Excellency the Governor be humbly requested "to communicate to this board, such royal Instructions as he may have "received, relative to the Legislation of this province, and he may think "are proper to be disclosed to us; In order that this legislative Council may "dutifully endeavour to conform themselves to his Majesty's Intentions, "and that they may so far as they are able, carry into Effect his Majesty's "most gracious purposes for the good Government of his Subjects in this "province."²

This Motion conveyed in words, to which no exception seems to lye, is in effect a Call upon the governor to comply with Your Majesty's commands, by imparting to the Council such and so many of your Majesty's Royal Instructions, as he may have been directed to communicate, or may find convenient so to do; and it is our duty on this occasion to observe, that, if none of your Majesty's said Instructions had at that time been laid before the Council Board, the Motion appears fully warranted by the 7th Article of your Majesty's said Royal Instructions, by which Article your said Governor is directed forthwith to communicate such and so many of those your Majesty's Instructions to your said Council, wherein their advice and consent are mentioned to be requisite, as likewise all such others from time to time as he should find convenient for your Majesty's Service to

¹ See Instructions to Carleton, 1775, p. 597.

² Minutes of Leg. Council, vol. D., p. 35.