

not then be gone into, but the whole Business should be considered in such a Way as to do ample Justice to all concerned." From this Declaration and Assurance what had the House a Right to expect, and what have the Public now a Right to hope? Although I am not authorized to ascribe to the Governor of a Province all the political Attributes of Sovereignty, I am still inclined to hope he is never intentionally in the wrong, and in the present Instance, I can never be made to believe, at least the Proof must be unequivocal and irrefragable, that the Investigation, Trial, and Acquittal which has taken Place, can be consonant with his Excellency's Ideas of impartial distributive Justice or the Principles of the Constitution. I shall therefore consider the Proceedings to be in conformity to the Advice and Opinion of the Law Servants of the Crown, or some one of them, who has advised and directed this Business, and treat it accordingly, though with that Decency and Respect which I would ever wish to manifest either in the discussion of a Question or in stating of Facts.

That the Complaint originated with the House of Assembly is a Fact I believe no Person will be hardy enough to deny. Messrs. Stearns and Taylor, two of the Attornies of the Supreme Court, were summoned and examined at the Bar. It does not appear that the House were desirous that those Gentlemen should go into a minute Detail of Facts before them, conceiving it to be more regular that their Depositions, in Form, should be given upon the Inquiry, which they then supposed would be established for the Satisfaction of the Province at large. In this Opinion the House were perfectly regular and Parliamentary, as they were only in pursuit of such authentic Information as would warrant a Representation of their Fears and Apprehensions to the Governor, and of the Necessity and Expediency of that Kind of Trial or Investigation which would give the Parties accused a regular and legal Opportunity of acquitting themselves, if innocent. It is probable there may have been a Want of Form and Method in the Arrangement of this Business, as Articles of Impeachment were not specifically exhibited, but of this Imperfection it was unbecoming the Characters of Persons sustaining the highest Offices in Government to avail themselves, that they might avoid a fair and impartial Investigation.

The Opinions of Messrs. Stearns and Taylor, supported by the Facts they adduced at the Bar of the House, and corroborated in many Instances, by the Solicitor General, Major Barclay and several other Members of the House, and I believe not then contradicted by the Attorney General, are such striking Proofs of their rectitude and firmness, that it is now necessary to attend to their subsequent Conduct and the Zeal and Solicitud they manifested to place this interesting Transaction in such a Train, that a fair and legal Disquisition might be established before a Tribunal unconnected with the Parties, composed of Persons independent in Principles, but not in the Habits of the closest Intimacy and Union with the Judges: Discovering by the Communications of the Secretary of the Province that the Trial, or Inquiry, was to take Place before his Majesty's Council, and solely upon the Opinions and Facts stated by them to the House, a Regard for their moral as well as political Characters constrained them, in this unexpected Dilemma, to prefer a Memorial to the Governor, stating to his Excellency, that their Allegations were not the only Grounds on which the Assembly had addressed his Excellency, and that Evidence would also be given, upon the Inquiry, of the Mis-conduct and Partiality of the Judges to the Hon. Henry Newton, Esq; one of the Council, and of their avowed Partiality towards the Hon. S. S. Blowers, Esq; another of the same Council, and a Practitioner in the Supreme Court, and therefore prayed, and with great earnestness intreated the Governor, that no Person who may be suspected of Partiality to, or Prejudice against the said Judges may be permitted to sit on their Trial; but that the same may be open, *open, public*, and upon a full hearing of all the Evidence that can be brought both for and against them. — Here I must pause — I hat the ingenuous Mind, may, for a Moment contemplate a Display of Fairness, impartiality and Uprightness, scarcely to be met with either in private or public Life, and which must forever fix a Lustre upon the Characters of those Gentlemen that cannot be tarnished nor shaded by the dark Frowns of Oppression or Party.

Notwithstanding this pointed Memorial, stating the Impropriety of submitting this interesting Business to a Board, where two of its Members are declared to be exceptionable, and another, though not then suggested, so closely connected with one of the Judges as to render it impossible, consistent with his own Feelings as a Man of Honor, to give an Opinion, we find by a Publication from the Secretary of the Province dated the 28th of February, that his Majesty's Council, instead of advising the Governor to bring this Inquiry forward, that a full hearing might be had, enter into the Consideration of the Address from the Assembly, with the Allegations which accompanied it; and upon no other Proofs than the Answers of the Judges to those Allegations, solemnly pronounce their Innocence, and the Baseness and Turpitude of the Witnesses, by declaring their Testimony before the Assembly groundless and scandalous, and the Memorial they preferred to the Governor, praying a fair Trial, altogether unworthy his Excellency's