

The Committee then, upon the strictest review of all the specific charges, are of opinion, not only that the aggregate of them is void of any proof of such a Combination as is alledged, but, that the specific charges, taken separately, are fully answered, AND THAT THE WHOLE ACCUSATION IS GROUNDLESS; and this will appear by examining each charge by itself, which, together with their own opinion, the Committee beg leave humbly to lay before your Majesty.

FIRST CHARGE.

The Lieutenant Governor is accused for dissolving the Assembly upon his first arrival.—The Committee are of opinion he did right, because that was the very Assembly which, in conjunction with Lieut. Governor Patterson, had passed an act to confirm the sales made under the illegal confiscations, in disobedience to your Majesty's orders.

SECOND CHARGE.

That, when upon the election of Members upon this first dissolution the Sheriff had returned, that the poll had been disturbed by military interference, and that he could not venture to return them as duly elected, the Lt. Governor is accused for issuing a new writ for a fresh election.

At this time the whole Assembly, consisting of eighteen members, were all chosen, under one writ, by all the voters in the island; and the objection made by the Sheriff went to the whole return, so that there could be no judge of this return, the election of all being equally impeached. Upon this new case the Lieutenant Governor ordered a case to be laid before the Chief Justice, and the Attorney General, for their opinion. The Chief Justice thought the whole void. The Attorney General differed. The Committee are clearly of opinion, that the opinion of the Chief Justice was correctly right; but these accusers criminate the Lieutenant Governor for not following the opinion of the Attorney General, which was wrong, and bring this as a proof of an unlawful combination.

THIRD CHARGE.

That he altered the mode of election without authority.

Instead of one election of the whole number, under one writ, the Lieutenant Governor directed the election to be made under six different writs, and divided the representation, by which four were to be chosen, for each of the three counties, and two for each of the royalties of George Town, Prince Town, and Charlotte Town.

It is clear, that the mode, first adopted by Lieutenant Governor Patterson, was in no respect conformable to your Majesty's instructions; and it is as clear, that the other mode, directed by Lieutenant Governor Fanning, is perfectly agreeable to those instructions, and was not taken up by himself, but unanimously recommend-

ed by the Council, and has never been complained of since.

Another charge brought to prove the said combination, is, that the Lieutenant Governor did unlawfully displace the Sheriff, Mr. Mac Millan; and appointed for that year, namely, the year 1787, three different persons, Mr. John Stewart, Captain Hayden, and Mr. Robertson.

When Lieutenant Governor Fanning arrived in the island, to take the government upon him, upon Mr. Patterson's dismissal, he was opposed by the latter.

Mr. Mac Millan, the Sheriff, being a friend of Lieutenant Governor Patterson, would not attend at the Council Chamber to hear the Proclamation read, which contained a notice to the inhabitants of his appointment; but departed from thence in defiance of your Majesty's instructions.—

For this, as well as other objections, Lt. Governor Fanning removed him from his office; which he conceived he might do, if there had been no such objection against him; for, by the law of the island, the Shrievalty, which is an annual office, is to be appointed in this manner. The Senior Judge delivers a list of three persons, on a particular day; one of which three the Lieutenant Governor is to fix upon for the execution of the office. Mr. Mac Millan's year was expired, and the Senior Judge had not delivered his list of three persons.

Therefore, the appointment devolved upon the Lieutenant Governor, as your Majesty's Representative.

The two first accepted the office upon condition to resign it, which they did; and then the third was appointed for the remainder of the year; and they all in turn, gave the proper security.

And, though it is alledged by the complainants that these appointments were made for the purpose of obtaining a return of members to serve his own purposes, there is no other evidence of such a motive but the mere allegation; and it is most positively denied, not only by the Lieutenant Governor, but by Captain Hayden, who was the Sheriff and returning officer who made the void return.

Then, again, the Lieut. Governor is accused for proroguing the Assembly, returned in 1787; and at last dissolving them.

The Lieut. Governor answers, and it is not denied, that there was no business, during that time, that made it expedient to call them together; that, upon their first meeting, though they sat thirty days, they had passed but one bill; that every meeting is expensive to the government, as well as to the members; and that no application was ever made to him, during all that time, to call them together. And as to the dissolution, it appears that one third of the Assembly was either absent or disqualified; that the speaker was too ill to attend; and that, upon submitting this state of the Assembly to the Council, they were unanimously of opinion, that the Assembly ought to be dissolved; so that here,

as well as in all the antecedent charges, the Council are implicated in the same crime, as equally combining to serve the Lieutenant Governor's Faction.

The last charge against the Lieutenant Governor, to prove the combination, is, that he prorogued the last Assembly, in 1790, upon the day appointed for the trial of an election-petition against three of the persons returned for King's County, tho' the witnesses for the petitioners were assembled at a considerable expense.

It is alledged, by the Lieutenant Governor, that this prerogation was not of his motion, but requested by the Assembly; that the reasons stated in the Assembly for desiring this prorogation were, that there had been a sudden thaw, which, if it continued, would make it dangerous for the members to return to their own homes; that the public business was finished; and that several declared they would stay no longer; and, in fact, two gentlemen went home that very day, and another the day after; that it was probable, if the Committee sat to try the election, there would not in the end be a sufficient number left to present the bills, and the business of the whole Session would be lost; and that the Council had requested him to comply with the wishes of the Assembly.

None of these facts are denied, or the reasoning answered. And it is proper to observe here, that the Petitioners against this return for King's county, instead of proceeding to the trial of this election at a subsequent sessions, withdrew their Petition.

Another charge against the Lieutenant Governor, is, that he, having a share in all confiscations from breaches of the laws of the customs, appointed the Comptroller of the Customs to be Sheriff; thereby vesting the power of returning Juries to try these causes; in which he, himself, with the Lieutenant Governor, were to be substantially parties interested.

This charge was abandoned at the hearing by the Council. It is totally unsupported with proof. The Lieutenant Governor, however, in his defence, produced precedents of other persons holding both the offices; and it appears, beside, in fact, that there was not one Jury impannelled by Mr. Douglas, to try any such cause, during the whole of his Shrievalty.

Having gone through the several charges against the Lieut. Governor, the Committee will proceed to consider those against the Chief Justice, with as much brevity as the nature of the case will admit.

The first three charges relate to a transaction in the time of Lieutenant Governor Patterson, and cannot be connected with any of the e, which are brought to prove a combination with Lieut. Gov. Fanning.

That transaction came before this Board and took up a great deal of time, and ended at last in an order to dismiss several persons from their offices. The Complaint was for illegally connecting and belonging to several of the officers, and disobedience to your Majesty's orders to lay