

an action must be the necessary and unavoidable consequence of a prosecution, which happened to fail for want of proof, it would be too great a discouragement to prosecutors, and, in effect, a no small encouragement to crimes, which might then be committed with impunity: That he did not stand accused to his own conscience for any malicious intention whatever against the Attorney General, but, on the contrary, made the most solemn asseverations, that he had nothing for his object beyond the regard he had for public justice, and his desire of bringing the conduct of the Attorney General, whom he thought to have misbehaved in office, to the test of a fair and constitutional investigation.

But Mr. Cambridge did not shew himself inclinable to rest the whole of his defence on the principles he had hitherto argued upon; for he took occasion here to mention, that he stood prepared to offer to the Jury a clear and satisfactory proof of the second article of charge, which asserted, that the Attorney General, after having been retained in his action against Mr. Robert Clark, for the recovery of certain fee-farm rents, "deserted the cause, and informed "the other side now to counteract his own "proceedings," &c. He said, he could prove the exact price at which the Attorney General had parted with his integrity, on this occasion, and called a Mr. Thomas Hazard, as a witness, to prove the fact.

Hazard swore that Clark had sent him to the Attorney General to make him an offer in Clark's behalf, of £.100 and a thousand acres of his Lot, No. 49, as a reward for his deserting Cambridge's cause, and which the Attorney General agreed to receive accordingly. He said further, that he knew the Attorney General had actually received a conveyance from Clark of the thousand acres, and that too for the before mentioned consideration.

The Attorney General appeared to be struck with the deepest amazement at hearing this evidence of Hazard's, and, under this sudden agitation and perplexity of mind, declared both to the Court and Jury, that he would consent to be forever shut out from the presence of his Maker, if there was so much as even a shade of truth in what Hazard had asserted. He added, that if the Court would indulge him with but a few moments, he would have Clark present, whose testimony, in addition to what he could prove by several other witnesses, he trusted, would shew Mr. Hazard to have sworn to that, which he could never justify either to his own conscience, or to what was due to public justice.

The Court having granted the Attorney General this indulgence, Mr. Clark soon afterwards appeared, and having taken the affirmation (being one of the people called Quakers) was asked, whether he ever directed or desired Mr. Hazard to propose to the Attorney General to desert the cause

of Mr. Cambridge against him for the recovery of fee farm rent?

Clark appeared to stand in a sort of amazement for some short time, and then said, he could not comprehend the reason why such a question should be put to him. But upon the matter being explained, he observed that he was a man far advanced in years, and from the particular indisposition he then laboured under, in addition to his advanced age, had much reason to think his stay in this world would not be long. He then proceeded to declare, that, as he hoped for mercy at the hands of his Maker, he never, either directly or indirectly, desired Mr. Hazard to propose any thing of the kind to the Attorney General, and that he never so much as heard of any intention in the Attorney General to withdraw from Mr. Cambridge his assistance in the recovery of the fee farm rents, while he remained in the cause, nor did he know or even hear of his being out of that cause, till some time after the event happened: That the Attorney General never received of him, or of any other person in his behalf, a single shilling in specie, or even the promise of one, for any business or consideration whatever; but that the Attorney General did, indeed, receive from him one thousand acres of his Lot or Township of Land, called No. 49, as a reward for his professional services in recovering that lot from the late Lieutenant Governor Patterson; and this, he took occasion to observe, was a matter well known to many people, and, he believed, to several of the Jury. He added, that if he had ever known himself capable of conveying so base a proposal to the Attorney General, Mr. Hazard was the last man in the world whom he would have trusted with the business.

Mr. Charles Stewart, the Clerk of the Crown, was then called, who swore, that he was well acquainted with the whole transaction relating to the deed of the one thousand acres from Clark to the Attorney General, and that he knew it to have been given to the latter as a reward for his services in recovering for Clark the before mentioned township of land.

The Attorney General then observed, that the real and true consideration of his deed from Clark, was of such public notoriety, as to render it unnecessary to call any more witnesses to prove the fact.

This attempt, on the part of Mr. Cambridge, made his defence to wear a still more unfavourable aspect than it had before.

As this was a part of proof that never before appeared on any former investigation, we have judged it proper to give it a place here, as we could have wished, indeed, to have done with all the rest.

Mr. Cambridge then proceeded in his defence. He said, that this action having nothing for its object, beyond a compensation in damages, for the malicious prosecu-

tion of the Attorney General (if the Prosecution was a malicious one) it could not but be a matter of much surprize to the Jury, that no attempt should have been made to prove damage, even to the amount of a six pence, and that none being proved, the Jury must necessarily suppose none to have been sustained, and consequently it must become their duty to give none: That the Attorney General employed no counsel on the hearing of the complaint, nor did he stand in need of any: Of course, therefore, he had not been out of pocket on that account. He concluded with expressing his expectation of a verdict in his favour.

His defence was lengthy, and as much to the purpose as the nature of it seemed to admit.

The Attorney General then proceeded to close the cause.

He began with observing, that Mr Cambridge, being let in to avail himself of every species of proof he judged necessary to his defence, could never in future complain, with reason on his side, of the want of a fair opportunity of repelling the charge contained in the declaration. There were two ways, he said, as he had before hinted, in which Mr Cambridge might have effectually defended himself; first, by barely proving a probable cause, without going further; secondly, by establishing the truth of some or all of the original charges: That Mr Cambridge had tried both ways, but how well he had succeeded in either, it remained for the Jury to decide.

That his character and reputation, in the course of this trial, had been put to nearly the same test to which it had been twice before subjected by the keen and unremitting malice of his accusers; once before this very Court, and afterwards before his Majesty's Privy Council: That knowing his own innocence, and trusting to the good Providence of God, which had been so visible to him in many of the former occurrences of his life, he could not harbour the slavish fear, that his reputation, which had hitherto been preserved to him unscathed, should now fall a sacrifice at the shrine of malice, though under the direction even of so dexterous a manager as Mr Cambridge himself.

The distinction, he said, between *express* and *implied* malice, ceased, in his opinion, to be of any further consequence to the present enquiry, as he should undertake to show, from a contrasted view of the proofs already before the Jury, the most *express* and *pointed* malice in Mr Cambridge, that ever had possession of the human heart, if that passion is capable of being proved at all. That whatever distinction the law may make, in the distribution of its punishments, between *procuring* a man to swear false, and making use of his evidence, knowing it to be so, yet, in moral contemplation, such a conduct can never escape the imputation of a base, wicked, and malicious attempt. And this imputation, he said, the conduct of Mr Cambridge deserved, as he would soon make appear.