

Walter Berry, a junior mortgagee, so to draw the bill that he might easily defeat it; and that he would instruct Mr. Berry how to do it.

Second, That Mr. Spencer, the Mortgagee, having entered into a bond to Cambridge and Bowley, he, the Attorney General, their Counsel, did advise the same Mr. Walter Berry to sell the Mortgagee's goods, to prevent their execution.

These two facts are proved only by Mr. Walter Berry.

The Attorney General has given a full answer to all this accusation, by a narration of the whole transaction; and the case is proved by indisputable documents.

It appears, by this case, that the Attorney General performed his duty to his client skillfully, and honestly; and at last obtained a sale of the Mortgagee's goods, notwithstanding the fraudulent sale made of them by Mr. Walter Berry, the witness, who was then Sheriff, to disappoint Mess. Cambridge and Bowley, who never suspected the Attorney General of betraying their cause, but brought a complaint before the Lt. Governor and Council against this Mr. Walter Berry, not only for the fraudulent sale, but for opposing the coroner with force and fire-arms in the execution of a writ to seize and sell the goods belonging to the Mortgagee. Mr. Berry, in his defence, charged, as he has done here, the Attorney General, for having advised the fraudulent sale; but, after a full hearing, the Council not only condemned Mr. Walter Berry, but dismissed him from his office of Sheriff, and cleared the Attorney General from this imputation. The same Mr. Walter Berry, afterwards, in a subsequent memorial, acknowledges his fault, and begs pardon, not only for his misconduct, but for his reflection and false charge against the Attorney General.

All this while Cambridge and Bowley were upon good terms with the Attorney General, and enemies to Mr. Berry; and, in this very proceeding, not only acquiesced in the acquittal of the Attorney General, but prosecuted this Mr. Berry to a dismission of him from his office of Sheriff. But, afterwards, when they quarrelled with the Attorney General, they took up this Walter Berry, whom they themselves had discredited, to be their friendly witness, not to exculpate himself from his misconduct, but to revive his original charge against the Attorney General, who had been acquitted by the Council.

This charge is, therefore, entirely groundless.

The fourth charge, which the Committee took next under their consideration, is similar to the former.

That the Attorney General, as Counsel for Cambridge and Bowley, not only deserted the cause he was concerned in for them, but disclosed his Client's secrets to Mr. Grandin the adversary's Attorney, and instructed him how to defeat the Plaintiffs in the recovery of their demand.

This is proved by Mr. Macgowan, the subsequent Attorney for Cambridge and Bowley; and by Mr. Grandin, the adversary's Counsel.

But the affidavit is quite as general as the charge, neither stating the action, nor pointing out any one particular wherein the Attorney General had disclosed his Client's secrets; or how, or in what manner, he had instructed the Adversary's Counsel, to defeat the Plaintiffs' demand.

On the contrary, the Attorney General not only denies the charge, but states the cause, the history of the proceedings, the reason why he desisted from being any longer concerned for Mess. Cambridge and Bowley, and the assistance he gave Mr. Macgowan, the subsequent Attorney, how to proceed, by giving him all the light he could upon the subject, and delivering up to him all the papers.

And Mr. Grandin, the only witness, to prove his revealing his Client's secrets, has been struck off the Roll of Attornies for misconduct.

This account of the transaction is not replied to; and the principal facts are confirmed by Mr. Charles Stewart.

This charge is, therefore, groundless.

THE THIRD CHARGE.

That one Samuel Braddock, having retained the Attorney General, he, in part, conducted his cause, and afterwards deserted him, and conducted the cause of his adversary.

The answer to this is a denial, accompanied with a narrative of the advice he gave Mr. Braddock, upon an application to him, and refusing to be concerned for him.

The fact disputed in this charge is the gift of a guinea, as a retaining fee.

Walter Berry, the witness mentioned in the fifth charge, is the only witness to this fact.

The guinea, according to his account, was not paid in specie, but credited in an account between him and Aplin; so that Braddock knows no more of this fact than Walter Berry told him.

The rest of the evidence turns upon the affirmation, or denial, of Berry and Braddock, of the payment of this retaining fee.

The examination of this fact came twice before the Supreme Court. Once, at a time after the action was commenced, during the suspension of Mr. Chief Justice Stewart, when Braddock demanded, in Court, the assistance of the Attorney General, and called Mr. Berry, then in Court, to prove the retainer. Mr. Charles Stewart swears, that at this time Mr. Berry denied the assertion of Braddock, who said, Berry had informed him he had retained Aplin.

This is not denied, in the reply, by either Berry or Braddock.

The other time this came before the Court was upon the complaint of Mr. Cambridge against the Attorney General, when Mr. Stewart was restored. Upon this occasion the fact disputed is, whether

Braddock declared he had, or that he had not, been retained.

To the former declaration four witnesses have made affidavit; to the latter, only two, Mr. Robinson the Assistant Judge, and Mr. Hassard; but the Committee, knowing none of the parties, are not able to determine which are to be believed. No money was paid; but credit given for it, in an account between Berry and the Attorney General; nor is it said whether the fee was given for advice, or as a retainer in the cause. This fact depends altogether upon the evidence of Berry, above mentioned, who, as Mr. Charles Stewart has sworn, has himself contradicted this very fact.

The Committee are therefore of opinion this charge is not proved.

The first and second charges are confined to words spoken by the Attorney General, the first, in a conversation with Mr. John Hill; the second, in a conversation with Mr. Robertson.

By the first set he is charged with saying to Mr. Hill, that, as Cambridge and Bowley had taken part against such men as the Governor wished to have chosen, he advised the said Hill to take advantage of that against them, by extending his trade, as they would be obliged to leave the island.

1st, The words are denied by the Attorney General, who gives a very particular account of the meeting between them, with all the conversation that passed; none of which is denied in reply by Mr. Hill.

2d, Berry, to whom Mr. Hill says he told this conversation the moment he left the Attorney General, is not brought forward to confirm it.

The set of words in the second charge is a declaration to Mr. Robertson in a private conversation.

Mr. Robertson having as Sheriff attached the goods of one Manwaring the Attorney General expressed a wonder that the other creditors of Manwaring submitted to the operation of the law, and taking Robertson aside said, by keeping in with these fellows we could have a jury to our minds.

The Committee do not well understand the meaning of these words, who these fellows are, that are alluded to; there are none spoken of but the other creditors of Manwaring; and how they should be able to procure friendly juries the Committee cannot comprehend.

The words are denied by Mr. Aplin; and Mr. Robertson, who is the only witness produced to prove them, can hardly be believed, when we compare a letter written by him to the same Attorney General a year afterwards, wherein he, upon the vacancy of the Attorney's office, advises Mr. Aplin to apply for it, saying, he may command his interests, and will cheerfully sacrifice a month to it, if necessary.

This friendly offer of his services, to recommend a man to the first office at the bar, is hardly consistent with a belief that the same man had used words that, in his opini-