

before the Assembly a draught of a bill to remedy this injustice.

Upon that occasion the Chief Justice was at first named as one of the delinquents; but afterwards, they being satisfied that the Chief Justice had constantly opposed that measure, they struck out his name. And now the Complainants attempt to revive those proceedings, upon the ground of some words, said to be spoken by him at the time he opposed the measure in Council, which, whether true or false, the Committee think ought not to be brought forward at such a distance of time, after the whole is closed, for no better purpose than to censure a person, whom the former Complainants, who were the injured proprietors, and more interested than any of the present accusers, have in effect acquitted, by dropping the prosecution against him.

The fourth charge was passed by, as it had already undergone an examination at this Board.

Which brings the Committee to the fifth charge.

The introduction to this part of the accusation is so remarkable, that the Committee think it necessary to state it verbatim.

That the Chief Justice, being joined in faction with the present Lieutenant Governor, the Attorney General, and the Collector of the Customs, has made his office of Chief Justice instrumental to the purpose of that faction, by perverting the law in his judgments, disregarding and refusing evidence, screening and protecting the Attorney General against the accusations brought before him in his Court, and misdirecting and influencing Juries to give verdicts, unfavourable and unjust, to those who did not fall in with the views of their faction, in defiance of law and fact.

These the Memorialists acknowledge to be general accusations; but they are ready and able to prove in many precise and specific articles, from which they select, and particularly charge, these which follow.

The Committee did not expect that the Complainants, after they had selected these specific facts, to prove their general charge, would have produced general evidence of the Chief Justice's general conduct in the administration of justice; but that, after proving these select particulars, they would have left the general character of his maladministration to be inferred from these instances.

A general charge of misconduct, unsupported by facts, would have been rejected; but as the Complainants, in the specific charge, have arraigned his general misconduct as a Judge, the Chief Justice has thought it necessary, in his defence, to examine a multitude of witnesses to his general demeanour in office. Beside this, the Complainants have, by additional evidence, produced likewise a multitude of new depositions, many of them containing new facts, all of which, on both sides, the Committee have laid aside for the reason

given at the close of this report, and have proceeded to examine the specific facts.

1st. Fact. That, in an indictment of assault and battery against one Lawlor, he summed up the evidence partially against the Defendant; but that, however, the Jury acquitted him.

Five of the Jury, together with Mr. J. Robinson, his colleague, deny the charge; at the same time, they acknowledge that others of the Jury support it; and some, even of those who before had disproved it, were prevailed on afterwards to contradict their first affidavit.

This charge, of partial summing up, could only be proved by stating the evidence on both sides, and the specific charge to the Jury; which not being done, the Committee dismiss this charge as not proved.

The second specific charge against the Chief Justice is for partiality in favour of the Attorney General, in the hearing of a charge preferred against him by Mr. Cambridge. Here again all the evidence is general.

Some of the articles, they say, the Chief Justice would hear, others he would not, without specifying any. That the Attorney General used improper language to Mr. Cambridge, and was not reprov'd.

But, though the Chief Justice might have passed over this charge as specifying nothing; yet he has answered it, by stating the nature of this hearing, which chiefly consisted of mal-practice, in taking double fees, &c. That he heard the whole complaint, without any partiality; in which he is supported by Mr. Robinson, and Major Gray, the two assistant Justices; who add, that in respect to improper language, there was much on both sides, so that the Court was obliged to interfere.

This charge, therefore, the Committee think proper to pass over.

THIRD SPECIFIC CHARGE.

That he suffered, in a cause of Desbrisay and Patterson, improper evidence to be given, &c. The answer is, that in that cause the Chief Justice was a witness, and therefore abstained from giving any opinion, or taking any part in it as a Judge; and this is confirmed by Major Gray, the Assistant Judge, who swears that he himself summed up the cause to the Jury.

Fourth specific charge against the Chief Justice, for an illegal opinion, in refusing to admit the evidence of a set of.

The answer is, the judgment is appealed from.

The Committee take leave to observe, that this cause has been since heard before a Committee of Council; who were of opinion, that the Chief Justice's decision, as the cause stood upon the pleadings below, was strictly and legally right; but that, under the circumstances of the case, the Defendant should, upon payment of costs, be admitted to plead a set off; and that for that purpose, the cause should be remitted, which report your Majesty has been pleas'd to confirm.

FIFTH SPECIFIC CHARGE.

This is for admitting a deed in evidence, without proof, as an ancient deed. This, like the others, may or may not be an erroneous opinion. The Chief Justice, however, offer'd to seal a bill of exceptions, which was not accepted; but the Defendant, Mr. Cambridge, was not hurt; for the Jury found a verdict in his favour. — Afterwards, upon motion, a new trial was granted; and the verdict in the second trial went for the Plaintiff. If the party has been injured, his remedy is in the courts of law.

Sixth specific charge is for threatening one of the Jury with punishment, if he did not agree with his brothers. Here, too, is a flat contradiction in the evidence: Mr. Robinson, the Assistant Judge, with six of the Jury, swear they heard no such words; and, in the opinion of the Committee, the weight of the evidence is in favour of the Chief Justice.

SEVENTH SPECIFIC CHARGE.

The Chief Justice is accused, for refusing, upon motion, to grant a new trial, in a cause, Cambridge against Clark. The case was, after the Jury had delivered their verdict, the Counsel for the Plaintiff pray'd leave to appeal; which was granted, and entered upon record. The Chief Justice was of opinion, the cause was removed by the appeal, and not before the Court. The Lieutenant Governor, upon application, said the cause was not before him; yet, in point of law, the Committee apprehend the cause was removed by the allowance of the appeal; and the hands of the Court tied up till the appeal was withdrawn, which was not done. This, however, at the most, was but an error in judgment.

EIGHTH SPECIFIC CHARGE.

This is a charge against the Chief Justice, for refusing to hear a challenge made to one of the Jurors by the Defendant, Mr. Cambridge; though, at the same time, he admitted a challenge, made by the prosecutor, to be tried.

Mr. Cambridge's challenge was upon the ground of affinity; which was known at the time the special Jury was struck in the presence of the parties and their attorneys, and therefore came, in the opinion of the Chief Justice, too late.

The objection to the other was, that he was a servant to Mr. Cambridge; but that was not known at the time; the proof, however, failed, and he was sworn.

This too, if illegal, might have been corrected by a motion for a new trial; and the verdict would have been set aside.

COMPLAINT

AGAINST THE ATTORNEY GENERAL.

There are five charges against the Attorney General.

The Committee will begin with the fifth, as it will throw a light upon the others.

This contains two separate facts. First, That, being employed for Cambridge and Bowley to foreclose a mortgage, he, the Attorney General, promised Mr.