

Reflecting on the decision of the Council, and the consequences that may result from the dismissal of Abel Sargent, from the Office of a Justice of the Peace for Allegany County, I cannot refrain from entering my dissent from that determination and the grounds on which my opinion is formed.

The Associate Justices of Allegany County Court (Patrick Murdoch and Hanson Brisson Esquires) exhibited a charge against Sargent of having torn off part of an agreement executed in writing, between him and Mr. Peter Deicman with an intent of defrauding him of fifty pounds: that the fact was exhibited clearly to the Court and Jury, on an action between the parties, on which account as well as Sargent's general dishonest character, they submitted to the Governor and Council, whether he ought to continue in the Commission of the Peace.

The Representation of the Associates was also accompanied, and confirmed by a Statement of facts, by Richard Potts Esquire, the Chief Justice of the District.

The Executive by the 48 Section of the Constitution are authorized to suspend or remove all Civil Officers of their appointment, who do not hold their Commissions during good Behaviour. The power of removal is general, no cause is enumerated and no mode is delineated by the Constitution, in what manner the Executive is to proceed. This defect is in part remedied by the Act of Assembly in 1786 Ch. 22. for vesting certain powers in the Governor and Council. Its provisions are that in all cases of Complaint the party complained of shall have a copy of the Complaint, and notice of the time when it shall be examined. By this Law the Governor and Council are authorized to summon Witnesses, or take Depositions in the manner the General Court is authorized. On the 10th day of May last the Executive having the Charges against Sargent under consideration, passed an order, that a copy of the Charges and Representation should be served on him, on or before the first day of June, and that Depositions taken before any Justice of the Peace, should be received in Evidence at the determination of the Allegation on Sargents giving five days notice to Patrick Murdoch and Hanson Brisson, and like Depositions should be received as Evidence, on the said Patrick Murdoch and Hanson Brisson, giving like Notice to Abel Sargent.

The Proceedings of the Council of the tenth of May were evidently grounded on the Act of Assembly, and as far as that Law could be complied with, they intended to make the rules of their Conduct, the distant situation of the parties from Annapolis, and their inability to admit depositions, and in order to give an opportunity of giving their testimony, previous notice was to be given. Justice to the person