

would not admit of a different mode of procedure. had the Council, immediately upon the receipt of the information provided to the final determination of the case, they would have violated every principle of Justice. for no man, let his situation be what it may, let the charge against him be of the most flagitious kind ought to be judged unheard, or condemned without an opportunity of defence.

It appears by affidavits annexed to the orders of the Executive, that they were served on Sargent in time: it also appears, that he equally to the directions of these orders, gave information to Patrick Murdoch and Hanson Prescor, Esquires, of the time and place, he intended to take his Depositions. But Murdoch and Prescor in lieu of pursuing the determination of the Council, return their depositions as to General Character without giving any notice to Sargent, and inform the Executive, that they conceived a fact certified by them, as having been proved in Court, accompanied with the confirmation of the Chief Justice's certificate, to be judicially proved, and no further evidence ought to be required in confirmation: to act different, would not be giving that respect to the Court that ought to be given, and would tend to promote their own dishonour.

There is no man more ready to respect a Court and its judicial Proceedings than myself. The Gentlemen composing Allegany County Court I am personally acquainted with, and am well assured they would state nothing as having been proved before them, unless justified by the fact but when I am called on to act in a judicial capacity a personal regard to my own reputation, and a solicitude to be regulated by those Rules and principles which govern every other Tribunal, will not permit me, to receive as facts judicially proved, the Representation of the Judges of any Tribunal on Earth, except there was some preexisting law authorising and directing such Representation, and giving it the effect of legal testimony. I mean not to charge the Judges with having acted an improper part, on the contrary their conduct in exhibiting the Representation is in my mind meritorious and what their duty demanded. I am only to be understood to mean, that duty which Society imposes on every Man, to bring to punishment those who deserve it, and to communicate to the proper Tribunal the Manner and conduct of Public Officers. I intend not to intimate that their Statement of facts accompanied with the solemnities of an oath ought to have more weight with the Council than the one before us.

I never can place the Magistrates throughout the State, in such a Situation,