

as to hold their offices on the mere say so of the Justices of the County Court. - I never consent that charges against them are to be supported without the obligation of an oath, or can I believe the official oath of the Justices of the County Court calls on them to superintend the conduct of Magistrates, and therefore that their Representations are to be deemed as given under oath.

On this occasion I form not my judgment on the accusations having been proved untrue, but I hesitate not one moment to say, I have seen no evidence to establish the existence of the charges. The only depositions as before observed, are on general Character, and they were taken and forwarded without any opportunity being given for the party accused to attend, contrary to express determination of May.

If for a moment we admit, it was proper to pass the orders of May, surely it was equally proper that they should have been attended to and no evidence ought to be received except obtained according to the Rule then adopted: but in my judgment the Council were under an additional obligation to attend to the compliance with their determination, for if they acted otherwise the seeming opportunity held forth to the accused, would only tend to entrap him, and knowing or supposing no evidence would be admitted against him without a previous opportunity of attending to the taking the Evidence he would be lulled into security and delay bringing forward his evidence to prove the accusation untrue. - If the Council in May intended to admit the Representation as Evidence the orders should have been different; they ought to have called on Abel Sargent to shew cause why he should not be removed, then he would at once have perceived the burthen of the proof was on him, and unless the accusations were found to be groundless his removal from office would be the consequence, &c. surely there was no occasion to say Depositions should be Evidence of Patrick Murdock and Hanson Besior giving Sargent five days notice if their Station alone was to have the same effect.

John Johnson

Friday July the 6. 1798

The Council met. Present His Excellency The Governor, and the honorable John Darrington, Jonathan A. Wilmer, Arthur Shaaff and John Johnson

Ordered, that two Eighteen pounders and three Nine Pounders which are now in the City of Annapolis, be mounted and put into a state of readiness, and that the necessary contract for that purpose.

Ordered, that The Armour at Frederick Town be directed to turn out