"Warrant against sundry Persons that I sent for to serve his Majesty. Bail not at your Peril. Given under my Hand and Seal this 3d Day of January, 1755.

JOHN RAWLINGS L. S.

" To LUKE BERNARD, Constable.

" Mr. Bernard,

" You must go and serve it To-morrow Morning."

We humbly presume your Excellency, upon re-considering this Matter, cannot but be of Opinion, that Mr. Rawlings's issuing a Warrant for 21. 10 s. when he verily believed, as he says in his Letter, that Debt to be just, and more if the Plaintiff could bring it under a Warrant, is contrary to Right, as the foregoing Report mentions; for if it were in the Power of Justices of the Peace to divide Debts, properly recoverable before the County Courts, so as to bring them under their Cognizance singly out of Court, the Use of Juries in Cases of Meum and Tuum, would be mostly at an End, and consequently the People deprived of one of the most valuable of their Rights: And that such Acting is against Law, we presume every Gentleman of that Learned Profession will readily advise your Excellency.

That all Commitments, without the Cause expressed, are against both Law and Right; and have been practised and endeavoured to be established in our Mother-Country only in Times when Arbitrary Power made it's strongest Efforts for the Destruction of our most happy Constitution, is so well settled a Point, that

we cannot suppose your Excellency will defire us to mis-spend Time in giving Instances of it.

We are much concerned that the Narrative of an Officer, represented to your Excellency by this House as Guilty of Misbehaviour, should have more Weight with you, than our Determination on a sull Examination of his Conduct, by Means of several Witnesses, as far as we could learn, disinterested, and to whose Veracity, or the Matters deposed by them, that Officer did not before us make the least Objection. And we beg Leave to assure your Excellency, that Mr. Rawlings, in his Actings mentioned in the Report of our Committee, appeared from such Evidence beyond a Doubt, to have been moved by his Prejudices, and hurried on by his Passions, rather than guided by his Understanding, and directed by his Knowledge.

Your Excellency observed in Favour of Mr. Rawlings (as you was pleased to say) as he did not insist on it himself, that he was indeed applied to by a Commissioned Officer, before he proceeded to iffue his Warrant against that Kelly, who was represented to be a Person liable to be impressed for his Majesty's Service by the late Aci. We can only now say, that if this was truly the Case, Mr. Rawlings was much wanting to himself in not

denying the contrary when laid to his Charge before this House.

Your Excellency was further pleased to say, Mr. Rawlings's Desire that his Conduct might be examined into in a legal Manner, by a proper Court of Judicature, which might punish his Offence, if he had transgressed the Laws, or manisest his Innocence if he was without Offence, did not seem to betray any Consciousness of Guilt, and that indeed, from the Papers that had been submitted to your Excellency, and his own Assertations, you must consess, and must observe as much to us, that it did not, as you before hinted, then appear to you, that he had been Guilty of any Misdemeanour whatever. It is no Wonder, May it please your Excellency, that Mr. Rawlings, considering the Impotence of the Persons injured, and the Power of his Friends, and well knowing his Conduct must undergo a public parliamentary Enquiry, should be desirous that it should rather come under that of any other Jurisdiction: He must naturally suggest to himself (if not, Council could advise him) that if the Matters alledged against him, were brought before any inferior Court, he might not be without a Chance at least of making a private Composition, of which he must despair in Case an Enquiry of the Mature of that which has been made, was once set on Foot, because he well knew, public Justice would there be satisfied, suture Misbehaviour would there be guarded against.

As to Mr. Rawlings's Affeverations (for we presume we have shewn that from the Papers his Conduct was blameable) we must humbly take the Freedom to observe, that what they were your Excellency alone can know; but that if the Asseverations of Public Ossicers, accused to your Excellency by this House of having abused his Majesty's good Subjects of this Province, in the Execution of their Trusts, are to have more Weight with your Excellency than the Representation of this House, sounded on careful Examinations, it wou'd seem to be discouraging that Public Enquiry, which the Nature of our Trust will nevertheless always indispensibly oblige us to make, into the Behaviour of all Persons intrusted with the subordinate executive

Power of Government, from the Highest to the Lowest.

We have always been well fatisfied, May it please your Excellency, that it is very far from your Intent and Design to call in Question the Rights and Privileges of this House, and that you will regard it as your Duty, and will endeavour to preserve the Rights and Privileges of the People (which your Excellency very justly observes) are secured by, and dependant upon, the due Execution of the Laws, and not suffer them to be called upon or prose-

CHILL