

and one other Magistrate, the Deputy Clerk was ordered by the said Magistrates to make an Entry upon the Proceedings of the Court that Col. Bayard was appointed Guardian to the Orphans. This was also proved by the Book of the County Court, except as to the Circumstance of the Adjournment's having been first proclaimed of which he was doubtful. It also appeared by the Court's Proceedings that the adjournment had been entered before the Appointment and that it had been afterwards struck out and again entered after the Appointment; it further appeared that upon Complaint being made of this Proceeding by a Magistrate of the Court to Col. Vearcy he promised to speak to Col. Bayard to have it rectified and that the Entry of the Appointment was afterwards struck out accordingly by the private Order of the said Col. Vearcy and Bayard.

We beg Leave to observe to your Excellency that the Conduct of the Magistrates in ordering the Entry of the Appointment to be struck out privately leaves no Room to doubt but that their Behaviour had been before irregular; or if there could be supposed to be a proper Authority to make the Entry of the Appointment at first, Col. Vearcy and Bayard had no Authority to order it afterwards to be struck out in a private Manner.

1stly It was proved that Col. Vearcy in one Instance declared the Opinion of the Court differently from the Sense of the Majority, as it appeared afterwards from the Opinions they delivered severally, but we beg Leave to observe to your Excellency that from the usual Manner of collecting the Opinions of the Magistrates, this might easily have proceeded from Mistake, and it appeared by no Evidence, that it was done by Design.

2^dly It was proved that after a Matter of Law had been debated, and there had been an equal Division of the Magistrates, and it was ordered to be again argued the next Day, Col. Vearcy and Bayard after the Departure of the other Magistrates, except one, ordered Judgment to be entered in the Evening, but that an Attorney on the other Side being present, interposed, and prevented an Entry of the Judgment.

3^dly It did not appear to us by proper Proof, that there is a good Foundation for the Charge against Col. Vearcy and Bayard hearing Causes or parties out of Doors, and afterwards using their Influence in Court for the Party whose Cause they had espoused, and we think that they ought not to be affected by the Directions, which Lawyers may have received from their Clients.

4thly and lastly the very general Charge of their having acted unhumanely, partiality, and from private Views, we shall take no Notice of to your Excellency.