

tive of those ends and inconsistent with the Wisdom and Policy of an English Parliament

Lib. X.
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There are Instances where Rioters that have been punished by the Iustices of the peace but not in proportion to their Crime have been brought into the Star Chamber and such a further fine imposed on them as made the whole Punishment equal to the Offence and that proceeding Adjudged to be no way repugnant to the Rule of Law of not punishing twice for one Offence but inflicting a Penalty adequate to the Crime at different times which proves Clearly that other Courts have Jurisdiction of those things as well as Iustices of the Peace

By the Statute already cited it appears that the Justices of the Peace and Sheriffs may if they find a difficulty in punishing the Offendors certify all the Circumstances to the King and Council in Order without Question that proper measures may be taken therein and if the Iustices fail they are punishable and it would be a new Doctrine and a very absurd one that the Omission of Inferior Officers and their punishment should excuse other Offendors or prevent Superior Officers taking Care to prosecute Offendors and certainly the Government may Iudge when it is proper to do it in the Supreme Courts according to the Common Course as well as a Private Justice of Peace when it is proper for him to Proceed or make the Certificate prescribed by the Statute

D Dulany
28th February 1722

May it please your Excellency

The foregoing is a State of the Case of Taylor and his Companions agreeable to the Depositions I have by me with the best Solution I am Capable of giving to the Question your Excellency and the honble Council were pleased to desire my opinion on which is humbly submitted to your Excellency by

Sir

Your Excellencys most humble
and Obedient Servant

D Dulany

His Excellency having acquainted the Board that M^r Jackson one of the Iustices of Cecil County Court can produce several material Evidences against Taylor and Gatchel bound over to their Tryal next Provincial Court thereupon Ordered that directions be given to the chief Iustice of Cecil County and his Brethren in Commission to examine and bind over to the Provincial Court all such persons as shall appear to be good evidences against said Taylor and Gatchell and the following Order was made out and sent (viz^t)