

of May last. Inclosed is his Lordship's Instructions with relation to some. The Tobacco Law and Ordinary Lycences he has referred for the Opinion of M^r Attorney General, therefore postpone's his Consideration 'til he receives good Advice, to form Judgement and Determination on such important Points, which will take him e'er had, being now Vacation among the Law, in the Country. On the Subject of those matters, His Lordship on hearing the Messages read from the Journals of the Houses, is Satisfied with your's and the Conduct of his Upper House; But thinks the Majority Party of the House of Burgesses Dealings severe and unkind, giving no Credit or Respect to his Instructions concerning, rather seeming to tend at a Prohibition of Rights and Prerogative.

The Affair of M^r Crabb a Member of the Lower House, his Representation against M^r Rawlins a Magistrate of the Country and the Summons of the House for M^r Rawlins's Appearance before them; His Lordship is in Opinion, not warrantable, He approves of your Answer to their Address thereon, hopes it will Caution against such Proceedure of the House for the future; not to Subject his Justices of the Peace to the Caprice of that part of Assembly. If by the Justice's Action of Impress of the Man to His Majesty's Service, he acted contrary to Establish'd Law, a Tryal at Court would have sett that right. The Rights and Priviledges of the House is fitting to be held, But a Regard must be had to preserve the Rights, Priviledges and Liberties of the People; Certainly Secured and Dependant upon the Due and Legal Exercise of Laws under our Constitution, and not Suffer them to be summoned or prosecuted out of the Ordinary Course of Proceedure as you well Observe in your Answer to the House. The Complaint seems groundless, if otherways was relievable elsewhere being the Proper Object of a Court of Judicature. For as M^r Rawlins the Respondant, inter alia, in his Answer to the Charge of the Report of the Committee of Grievances on the Summons and his Detention by the House under a Judicial Capacity, his Observations thereupon are very Cogent, Viz.

That by the 25th of Edward the 3^d Chapter the 4th It is Enacted that none shall be taken by Process of Suggestion, Unless by Indictment of good and Lawfull People of the Neighbourhood, or by Process by Writt Original at the Common Law. By the 28th of Edward the 3^d Chapter the 3^d It is Enacted that no Man shall be Imprisoned but by due Course of Law. By that of Edward the 3^d Chapter the 13th No one shall be put to Answer without Presentment before