

Gentlemen of the Lower House of Assembly

U. H. J.

I was in great hopes after what passed in the year 1734 about the Lower House expelling some of their Members, for having accepted Places under the Government after their Election that no other dispute of the like nature would have been brought upon the Carpet again, as you have now done by expelling one of your members for having accepted the Place of Deputy Commissary of Dorchester County since it is very certain, that there is no Law in this Province that puts the least Restraint upon any man as to his accepting of any Place after his Election or that makes him liable to any Penalty for his so doing: And indeed it appears manifestly from Our own Act of Assembly for directing the manner of electing and Summoning Delegates and Representatives to serve in succeeding Assemblies &c that the Legislature of this Province had no such Intention, since they very plainly and clearly express their Sense how far the Laws of England in relation to Elections are to be binding here, Viz. "that no Ordinary Keeper within this Province, during the time of his Ordinary Keeping, or any other Persons disabled by any Laws of England from sitting in Parliament, shall be elected, chosen or serve as a Deputy or Representative in any general Assembly to be hereafter called" And this has been the Universal Opinion and Judgment of all Assemblies since that time, without any one Exception that I have ever heard of till lately to the Contrary; till lately that some Gentlemen seem to have been led away with an Opinion, that the Lower House of Assembly ought to be bound by no Rules but that of their own Will and Pleasure, which they seem to persuade themselves is much for the Advantage of the People they represent, and accordingly it is but a too common Question Cannot the Lower House do what they please with their own Members. But if such a Doctrine was once to be established as Law, the Time may come when the People of this Province will not think themselves much obliged to the first Promoters and Establishers of it.

Every Man of understanding who has a thorough knowledge of the English Constitution, cannot but know that the peculiar Priviledges which Englishmen enjoy above all other nations is, that no man can be disseized of the least of his Rights, but either by the known Rules of the Common Law, or a clear and positive Law to which the People have given their Assent by their Representatives, and which is equally binding upon the Legislators themselves, as upon the meanest of the People: And indeed Our whole Constitution is so entirely established upon this Principle, that was there any arbitrary Power to be lodged in any of the several Branches of the Legislature it would be unjustifiable in them to act any otherwise than by the known Rules of Law, as they ought to be a pattern of Moderation, Justice and Equity to all Inferior Courts and Magistrates, who may be in any manner concerned in judging of the Rights and Properties of their Fellow Subjects