

L. H. J.
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Infringement of the Constitution; that of the legislative, you are but one of the component Parts; that a Right to determine the fees charged were excessive, implies the Right to settle the exact Compensation due for the Services performed because, without the Standard, what fees are adequate, what are more or less than the just Proportion, cannot be ascertained; that your rigorous Commitment was bottomed on the Principle, that to you belongs the Authority of punishing any Deviation from the Line of your Opinion; that if a precise Rule had been regularly preordained by the Law, an Offence against it ought to be prosecuted in a legal ordinary Judiciary; That a Prosecution and Punishment in a different Course, are highly oppressive to the Subject affected thereby; that, in the ordinary regular Administration of Justice, our Polity has applied various excellent Precautions for the Protection of the Subject against Injury, which would be lost if your House were suffered to execute the Powers you had assumed; for in the ordinary legal Course of Proceeding, the fact is triable by Jury; the Party charged is not bound to disclose what may expose him to Penalty; the Jury are sworn, and, as far as the Impressions of Religion, and a Sense of Justice can influence, a just and impartial Determination may be expected. If there be reasonable Cause to suspect of Partiality any called to serve on the Jury, a Right to challenge is conferred; if the Jury corruptly render an injurious Verdict, they are liable to Punishment; if mistaken, the Consequence of their Fallibility may often be controuled by the Discernment of a second Jury; as the Jury are punishable, so are the Witnesses if perjured: The Fact is tried in one Way, the Law determined in another; as there are Provisions to guard against the Injuries of corrupt and mistaken Verdicts, so are there against the Oppression of partial and erroneous Judgments. Judges are upon Oath to do equal Right and Justice to all Persons; they are punishable for Corruption; their Decisions are not conclusive in the first Instance, but are subject to Revision, for which important Purpose a Gradation of Jurisdiction is appointed; the Party is not liable to be harrassed by a second Prosecution for the same Matter. As these Guards and Securities are of such admirable Efficacy in Protecting the Property, Reputation and personal Liberty of the Subject, and to which *every* Subject (whether

p. 293 in or out of Office) is as well entituled as *any*, so ought they to be zealously and firmly maintained, and if the Measure proper for their Defence should occasionally suspend the Transaction of other Affairs for a much longer Term than for a Day or Two, the comparatively insignificant Interruption would not deserve a Moment's Deliberation; that these Guards and Securities, so essential to the Stability of Property, and the personable Liberty of the People, upon which so great and invaluable Interests depend, would become precarious indeed, if through the Acquiescence or Inattention of Gov-