

L. H. J.
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safe and close, tho' "even in Cases of Robbery on the Highway, and other felonies entitled to Clergy, Commitments are to keep safely, or there to remain till delivered, &^{ta} or at most safely and securely to keep. When a Goaler is to keep his Prisoner safe, he is only to restrain him, so as to prevent his Escape but when to keep him safe and *close*, the Goaler is to shut him up from all the World." Thus this Gentleman was condemned without Authority by the Lower House, to undergo an Imprisonment, to which even Highwaymen and felons are not subject by the Law: and this is not the only Instance of Severity in the Proceedings of the same Session, and the Exercise of Powers incompatible with the Rights of the Subject. To those who are authorised to give Relief, Petitions may be addressed. The Authority of the Upper House to reject a Bill from the Lower, has not yet been discovered to be unconstitutional. A Petition was addressed by many Inhabitants of Baltimore County to the Upper House, against the Passage of a local Bill; their Justice would not allow them to dismiss a Petition complaining of Injury, without Examination; but being offensive to the Lower House, it was condemned in a subsequent Session by a Resolve, and Process ordered against the Signers of it, many of whom were arrested and sentenced to pay fees. Gentlemen supposed to have signed the Petition, tho' Strangers to it, were discharged without the Mulct of fees; but without Satisfaction too for the Expence and Trouble of their Journey, Attendance and Loss of Time.

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Under what Law, upon what Principle is it, that the Lower House gives fees to *their* Officers, and under the *Pain of Imprisonment* direct the *immediate* Payment of them? Your Officers have Salaries or Allowances *exclusive* of these fees. If fees be Taxes, has the Lower House *alone* Authority to impose them? If properly recoverable on a *Quantum Meruit*, why is your Officer to be paid by your Ordinance? The Officers of Government are supported *only* by their fees, they have no Salaries, they give Credit to those whom they serve. The Clerk of the County Court claims only Nine Pence for a Summons and gives Credit. The Clerk of your House gains three Shillings for the same Service, and is paid *immediately*, or the Person liable is imprisoned. If there be no Act of Assembly, authorising your Practice in allowing fees to your Officers, whence do you derive your Authority? You must depart from your Principle, if you allege the Power to be incidental.

In the Year 1669 the Governor and Council settled the fees of your Clerk at thrice the Sum the Clerk of a County would be entitled to, for a similar Service, have you derived your Practice from this Ordinance? If Allowance be made for late Reductions, the Proportion is nearly preserved.

Under what Law, or on what Principle is there an Allowance to your Speaker and Clerk on the Passage of Private Bills? You, alone, are not the Assembly.