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 fructed publick Justice, and, in Terms of very indefensible Exaggeration, occasioned a considerable Expence to the Province, and a total Stagnation of important Business for several Days. In Vindication, as well of the Gentlemen of the Council as of myself, I shall succinctly rehearse the Reasons they advanced in Support of their Advice. They observed that, where the legislative and executive Authorities, the Will to ordain and the Power to enforce it, are lodged in the same Person or Persons, there a Tyranny is established; that, under this free Constitution, these Authorities are therefore distributed into different Apartments; that the executive being in the supreme Magistrate, neither House of Assembly can undertake the Administration of existing Laws, without a dangerous 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 Judicatory; 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 these 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 harassed 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 in or out of Office) is as well entitled 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 personal Liberty of the People, upon which so great and invaluable Interests depend, would become precarious indeed, if through the Acquiescence or Inattention of Government, your House should be permitted to assume and exercise the Power you claimed. You are not sworn to determine according to Evidence; to do equal Right and Justice to all Men indiscriminately. The Witnesses examined before you, in a Case of this Nature, would be liable to no Prosecution, if perjured; there would be no distinct Cognizance of Fact and Law; no Challenge allowed to prevent Partiality; no Examination of your Conduct, however improper, in any other Jurisdiction; no new Trial, Writ of Error, or Appeal; your Determination, whether of Acquittal or Conviction, would be no Bar to a Second Prosecution in a legal Judicatory; on these Grounds I was advised and pursued the Step, which, I am convinced, was constitutional, which the Occasion required, and which the general Security demanded, and am extremely sorry that it has proved to be so offensive to you. Mr. *Steuart* has already severely suffered for any Irregularity he may have committed, by a rigorous and ignominious Imprisonment; to inflict double Punishment for the Delinquency, is not consistent with the equitable Spirit of our Constitution, though he may be liable to it.

His Lordship's Authority has not yet interposed in any Regulation of the Fees of Officers, nor have I any Reason to imagine that it will interpose in such a Manner as to justify a regular Opposition to it. So far as I may be concerned in any such Measure, I shall take good Care to act on mature Consideration; what I shall judge to be right and just, will be the only Dictate by which I shall be determined. Mr. *Calvert* and Mr. *Steuart* have been made acquainted with your Complaint against them, and I send you their Answer, by which you will observe, that they did not intend referring to any Proclamation respecting their Dues; nor do I perceive any Irregularity in their Conduct, as I am of Opinion they were not bound to do the Services without an immediate Payment of, or Security for, their Fees; the Rate which had obtained under Act of Assembly for more than Twenty-three Years, and expired so lately as the 22d of *October* last, seems to be the most unexceptionable they could follow. His Lordship has, I think, the clearest Right to dispose of his real Estate, upon such Terms as he may think proper; to direct the formal Observances in making Titles to his Grants; and to settle and regulate the Rewards his Officers, in this Department, may demand and receive. Be assured, Gentlemen, that I shall, on every Occasion, pay a due Regard to your Rights; that I shall never countenance the illegal Exactions of any Officers, nor submit to any Usurpation, which may essentially endanger that constitutional Balance of counteracting Powers, so necessary to the Protection of the People, and the Preservation of the publick Peace.

GENTLEMEN,