

U. H. Journal  
1659-98

and of Matters (though heinous) yet too general for us to find out wherein Our Member hath Incapacitated himself from Continuing in this house as a Member thereof Therefore this house being resolved as they Conceive themselves in Duty bound to Comply with his Lordship in all readiness and the Upper house in all things where the Rights and Priviledges of this house may be Secure Do Humbly desire to know wherein or by what Act or Means Our said Member hath Disabled or rendered himself Incapable of having his Place in this house whereby (as not knowing any other Safe Rule) they will give Your Honours all further Satisfaction

Signed p<sup>r</sup> Order of house

C: Boteler Cl Assistant of the Lower house of Assembly

Upper house of Assembly 19th Aug<sup>t</sup> 1681

Treason or breach of the Peace Disables any Member of the Assembly from Sitting in the Assembly, Cap<sup>t</sup> John Coode is Accused for breach of the Peace upon Oath and Stood Committed for the said Breach and is still Prisoner to his Baile who may Deliver him up when they will if they fear the Breach of his good Behaviour which includes the Peace and more, And therefore this house do Conceive the said Coode is not capable to Sitt in the Lower house of Assembly till he hath Purged himself at the Provincial Court where only he is Tryable and where he is Bound to come in Order to his Tryall Neither can his Baile be other wise Discharged unless the Lower house will go directly Contrary against the known Law which ought to be their Rule as well as the Rule of this house, Neither do this house think that the particular Acts of his Breach of the Peace ought to be Divulged before they are brought in an Indictment before a Petty Jury Even all Grand Juries themselves being Sworn to keep his Lordships Council their fellows and their own Secret—

Signed p<sup>r</sup> Order John LLewillin Cl of the Assembly—

Wherewith Col Coursey is Sent to the Lower house with Order also from this House to acquaint the Lower house that to Save the Trouble of Messages in writing This house by word of Mouth did desire a Conference with the Lower house in Relation to their Address to his Lordship

which having performed Col Coursey Returns again into the house

This house finding the State house by the Negligence of John Bloomfield late Cryer of the Provincial Court hath been wholly Neglected to be Swept and kept clean for Provincial Courts and other Publick Meetings in Contempt to an Order of his Lordship and Council in that case passed, Ordered that