

L. H. J.
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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 Impression 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 [*sic*] 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 in or out of Office) is as well intitled, as *any*, so ought they 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 Par-