

that you will have the same Regard for the just Rights of the Crown, which are established for no other End but the Happiness of the People.

And indeed every good *Englishman* must be pleased to think, that by the *British* Constitution the Liberties of the People and Prerogative of the Crown are ascertained by such just and known Bounds, as mutually to support each other, and prevent the Confusion that might otherwise follow an unreasonable Desire of Power, in whatever Part of the Legislature it happens to take place.

You must be sensible that the Clerk of the House of Commons holds his Place by an Appointment from the King, and that the Power of making all Officers within this Province is delegated by the Royal Charter to his Lordship; and consequently that the Power of appointing a Clerk to the Lower House of Assembly must be allowed to be vested in the Lord Proprietor, unless the Representatives of this Province should be supposed to have a greater Authority in this Matter than the Representatives of *Great-Britain*.

And if you peruse the Extracts of the Journals of the two Houses, which I shall lay before you, it will be found, that this Right has not only been exercised by the Government here, but acquiesced in by former Assemblies; and the Permission given to the Lower House to chuse their Clerk, under the express condition of presenting him to the Governor for Approbation, has more than once been considered and acknowledged to be an Act of Condescension in the Government.

This being a true State of the Case, as it appears to me, it is far from my Disposition to enter into any Dispute about your Privileges, or to abridge you of any Indulgence, that Custom in the least Degree entitles you to; or indeed to refuse you any Thing that can be reasonably desired; I therefore flatter myself that you will not on your Part insist upon a Point, that every reasonable Man must be satisfied my Duty will not permit me to agree to; but present your Clerk in the usual Manner for Approbation, that we may proceed upon the public Business with that Unanimity and Dispatch, that is really necessary for the true Interest of the Province.

The Governor delivered to Mr. Speaker the following Extracts; *viz.*

EXTRACTS from the Journals of the Upper House of Assembly.

Febuary 1, 1637, The Governor and Freemen assembled, except Mr. *Bretton*, the Clerk of the Assembly; whereupon the Governor appointed Lieutenant *William Lewis* to supply his Place.

February 21, 1637, The Governor and Capt. *Giles Brent*, one of his Lordship's Council, and Freemen, assembled, except Mr. *Bretton*, Clerk of the Assembly; and the Governor appointed *John Leugar, junior*, to supply his Place.

In April Assembly, 1662, After some Time came the Lower House, and presented Mr. *Preston* as their Speaker, and Mr. *William Bretton* their Clerk.

In March Assembly, 1671, On which Day *Robert Ridgely* was then also sworn Clerk of the Lower House of Assembly.

The same Day the Upper House of Assembly were pleased, upon the humble Desire and earnest Request of the Lower House, to admit *Robert Carville* their Clerk; and he was accordingly sworn.

In October Assembly, 1671, *Robert Ridgely* was this Day admitted Clerk of the Lower House of Assembly, sworn at the Opening of this Assembly.

In February Assembly, 1674, *Robert Ridgely* is continued Clerk to the Lower House.

In April Assembly, 1682, Lordship's Speech: That he had by Commission appointed Mr. *Thomas Grunwyn* their Clerk; whom he doubted not they would find respectful, careful, and capable.

A Message from the Lower House by Mr. *Robert Carville* and Mr. *John Coode*: They bring with them the Form of an Oath, which they desire may be administered by this House to the Clerk of their House; whom they had brought with them to that Purpose.

Which Oath was accordingly administered to, and taken by Mr. *T. Grunwyn*, Clerk of the Lower House.

In October Assembly, 1682, Lordship's Speech: Having by Commission appointed *Thomas Grunwyn* your Clerk.

In October Assembly, 1683, His Lordship further declares to them, that he had by Commission constituted Major *Charles Boteler* their Clerk of the Lower House.

Mr *Thomas Burford* comes to this House with Major *Boteler*, who before this House took the Oath of Clerk of the Lower House, as penned by the Upper House.

In September Assembly, 1694, His Excellency proposing to the Board, in whom the Right of chusing a Clerk for the House of Burgesses lay? He was answered, that there was a contest about the same in Lord *Baltimore's* Time, but that my Lord did appoint them a Clerk at that Time: His Excellency did thereupon desire them to enquire and advise who might be a fit Person to execute that Trust.

Ordered, That Commission issue to constitute *Clayborn Lomax* Clerk of the House of Burgesses, to pass the Lesser Seal, &c. and to run during Pleasure.

The House of Delegates desire that *Clayborn Lomax* may be admitted their Clerk; which was granted, and Commission given him at the Board under the Lesser Seal of the Province; and at the same Time had administered unto him the Oaths appointed by Act of Parliament, instead of the Oaths of Allegiance and Supremacy; as also the usual Oath of Clerk of that House; which was signified to the House by the said *Lomax*, who had likewise a copy of the Clerk's Oath given him for Satisfaction of the House.

In May Assembly, 1695, Came Mr. *Boothby* and Major *Smalwood* from the House of Burgesses, who signified that the House had understood his Excellency's being dissatisfied with the Proceedings of *Clayborn Lomax*, their present Clerk, therefore had by a Vote of their House made choice of Mr. *William Bladen*, to officiate in his stead, and were sent to request his Excellency's Approbation of the said choice; who accordingly was admitted and approved of, and (being present in Council) had administered unto him the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, as also the usual Oath of Clerk of that House, and subscribed the Test. Ordered, That Commission be prepared to pass the Broad Seal accordingly.

In October Assembly, 1698, His Excellency understanding that the House of Delegates were met, was pleased to send the Honourable Col. *Henry Jewles* and *Thomas Tench*, Esq; to have Mr. *Christopher Gregory* sworn