

Government considering that Frequent Succession were the cause and main point
that overthrow that Government since the House is advised to Consider whether it
is not against the law of England for one in Priest or Deacons Orders to sit as a
Burges and whether Mr John Hewitt a Clergy man chose since his Majesty's
happy Government he was not disallowed for that reason and it being a matter
of Great Moment must therefore be timely considered and consulted by the lawyers

Signed for Order Hen Denton Clerk

Ordered that all the Lawyers in Town be sent for to appear at this Board
to Night Brought from the House of Burgeses by Mr Pollard Mr Lander Mayor
Burdon and Mr Hutchins the following message viz

By the House of Burgeses September the 18 1696

We humbly desire your Excellency will be pleased to send down some of His
Majesty's honorable Council to administer the usual Oaths to the new Elected members
according to our late Request to the end we may proceed to Business

Signed for Order W Bladen Clerk

The Gentlemen of His Majesty's honorable Council are sent down with the foregoing
answer to the former message being ordered at the same time to tender the Oaths ap-
pointed by Act of Parliament to be taken instead of the Oaths of Allegiance and
Supremacy and test unto all the new Elected members except Mr Good they Return
and say they had performed their message and had pursuant to Order sworn all
the members except before accepted but that the House signified they had made a
Resolve not to proceed to any Business till the House was full

The Gentlemen professing the law now in Town being summoned to appear
at this Board came up accordingly viz Mr Chesildy Mr Solicitor General Mr Clark
Mr Walthers Mr Boothby and Mr Stemy to whom his Excellency was pleased to
say that the occasion of his sending for them at this time was about a Person whom
he understood was made choice of to be a member of the House of Burgeses that was
Ordained a Priest and therefore demanded their opinion whether he could be admitted
to sit as a member of the House of Burgeses telling them an example of England in
that case and another of this Province that to say that the occasion of his sending
for them at this time was about a Person whom he understood was made choice of
to be a member of the House of Burgeses that was Ordained a Priest and therefore
demanded their opinion whether he could be admitted to sit as a member of the House
of Burgeses telling them an example of England in that case and another of this
Province that have denied Clergy men that Priviledge and the question is further
put whether a Priest can dispense himself

The said Questions being separately answered by the said Gentlemen who are
also of Opinion that no Person in holy Orders is qualified by law to sit in the House
of Commons and so by consequence not in the House of Burgeses here and that it is
an inviolable Character stamped upon them which cannot be taken off but by the Or-
dinary or Power by which the same was conferred

His Excellency after the Lawyers were withdrawn was pleased to demand of
the Board whether they know of any thing further to be considered or proper to be done
in this matter who say they do not it is therefore Ordered that a Copy of the said
proposalls and Opinions be drawn forth again the morning to be laid before the House
for their Consideration ✓ September 19 1696 ✓

The Council again sat and now Present as Yesterday