

1704 3 Ann "It was Enacted, that no Person or Persons, who have not made this Province their Residence for the Space of three years shall have hold possess or enjoy any Place or office of Trust or Profit within the Same either by himself or Deputy except such Person or Persons as shall have Immediate Commission from her Majesty her Heirs & Successors, for any such Place or office as also such person or persons now Possessed of any Such Place or office as aforesaid. But that all and every her Majestys Principal officers within this Province, having or that shall hereafter have Authority by Virtue of any Commission from her Majesty her heirs and Successors to him or them granted to dispose of any Place or office whereof they have a Right to dispose be obliged to make Choice of such person or Persons as they shall think most worthy and capable of executing such place or office as aforesaid, out of the Inhabitants of this Province who have been Resident during the Time and term aforesaid, (except before excepted) any Custom or Usage to the Contrary notwithstanding.

The Destination in this Act and the Act of 1701/2 is one & the Same. No person is to be prefer'd to a place or office of Trust but a Native or Resident for 3 years, by any of her Majestys Principal officers Within the Province, but her Majestys own Power and Prerogative in this Respect is declared to stand on the same Footing it did before, as by An immediate Commission from her Majesty her Heirs and Successors any Such Place or office is tenable, Such is evidently the difference with Respect to Pluralities where however the power of the Governor or Commander in Chief Is abridg'd or circumscrib'd (without a formal dispensation)

The King or Proprietary's Prerogative, as supreme Ordinary remains even unquestioned, and my Lord Baltimores extreme Delicacy and Tenderness With Regard to the Execution of his undoubted Authority in Relation to these Two Acts of Assembly, as well as in all other Respects of Government, are very Remarkable. So far from ever Infringing the civil or religious Rights of the People, He has always wavy'd his natural & hereditary Rights and Privileges confirm'd By positive Laws, and by name only is known to be Absolute. A

chief officers in the Province. I transcribe a whole Act to remove a Vulgar Error similar to that which prevailed in Case of Pluralities. I have often heard that no person but a Resident for 3 years, could hold a place of office or trust, And took it for Granted with others, but there was not a Syllable mentioned About immediate Comissions which would have been Lookd upon as Illegal tho' Ratified by the Law that secured the Privilege of Residents.