

First, That the Proprietor has the Appointment of Counsellors, is too notorious to need any Proof.

Contemporary Printed Pamphlet Md.Hist.Soc.

Secondly, For Proof of the Proprietor's Power to remove Counsellors, and consequently the Members of the Upper House, at his Will and Pleasure, I must beg the Reader's Patience, while I lay before him the famous Case of the late Thomas Bordley, Esq; as far as it is pertinent to this Point, which stands as follows.—

Part of the Governor's Speech, Feb. 20, 1721.

Gentlemen of the Upper House of Assembly,

“In relation to Mr. Bordley, I must let you know, that my discharging him from giving me farther Counsel, is not designed to affect him as a Member of your House, if, as such, he has a Right to sit therein, which Point I desire you will enquire into, and inform me of your Judgment therein, that Justice may be done.”—

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The Answer of the Upper House, Feb. 23, 1721.

“We find, by inspecting our Journals, that the Upper House of Assembly for this Province, under a Proprietary Government, was always composed of such Persons as were Members of his Lordship's Honourable Council, and that, and that only, Qualification, is, and has been thought necessary to empower any Person to act as a Member of that House. We are therefore humbly of Opinion, in Reference to Mr. Bordley, that if he be legally discharged from being a Member of His Lordship's Council, he is thereby disabled and deprived of the Privilege of acting as a Member of the Upper House of Assembly.” Annapolis, February 23, 1721.

“Mr. Bordley (being sent for) appears, and being asked by His Honour, whether he conceived and insisted on it, that by Virtue of his Honour's Letter, of the Fifteenth of September last, he was discharged from being a Member of the Council? answered, that when he received the said Letter he did think so, and that he was of the same Opinion still; and then withdrew.”—After Mr. Bordley had withdrawn, his Honour expressed himself as follows.

Gentlemen of the Upper House,

“As the Lord Proprietor has an undoubted Right to discharge as well as make a Counsellor, and that his Appointment of one is the only Qualification by which he is a Member of your House; I am of your Opinion, that Mr. Bordley's being discharged from the Council, of course discharges him from the Upper House of Assembly. And as to the Legality of what is done, I have particular Instructions from his Lordship relating to Mr. Bordley, with a full Power of dismissing him.

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Charles Calvert.”