

Contemporary Printed Pamphlet Md.Hist.Soc.

“His Majesty was pleased to approve of the said report and order, and it is hereby ordered, that the act lately passed in Maryland for the fourteen pence tonnage be, and hereby is, set aside and disallowed, and the Lord Baltimore be permitted without any disturbance or interruption to collect and receive by such person or persons, as he shall thereunto authorize and appoint, the said duty of fourteen pence per ton for port duties or anchorage, for his own use and rights belonging to him by law, as the Lord Proprietor of the said Province, as well as Colonel Copely, his Majesty’s present Governor, as the Lord Baltimore and all others whom it may concern, are to take notice of his Majesty’s pleasure hereby, and to comply with the several particulars of the said report.”

Copy.

John Nicholas.

p. 116 Thus do I understand the opinion of the then Solicitor-general, and the report of the board of trade was for the act of tonnage in favour of the Lord Proprietor, and that his Majesty thereupon ordered his Governor of Maryland to permit his Lordship’s agents to collect the duty of fourteen pence per ton, as they had heretofore done.—Reference to records of the King’s Council, and Provincial Council in Maryland recorded.

The Pamphleteer (page 41 to 44,) [pp. 393-394] revives the Querist; he says, “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 is pertinent to this point, which stands as follows.”

Part of the Governor’s speech, February 20th, 1721.

Gentlemen of the Upper House of Assembly,

p. 117 “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.”

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