

Contemporary Printed Pamphlet Md.Hist.Soc.

p. 121 discharge a Counsellor is asserted by the Governor, and explicitly acknowledged by the Council, and even by Mr. Bordley himself, the party immediately affected, and who perhaps understood the constitution of Maryland as well as any man now alive. It is a vulgar notion, that the Proprietor has a right to displace a Counsellor, but that he cannot remove him from his seat in the Upper House, or annihilate his legislative capacity; but the above case is a solemn determination to the contrary, nor do I know it has ever been contravened by any subsequent proceedings, so that the precedent remains in full force to this day."

The Remarker cites no cause for the removal of Mr. Bordley from the Council; a cause there must have been, and I suppose known tho' not given. The Governor condescended, and puts the question to the Upper House, as only affected about the dismissal of Mr. Bordley a Member. He says, "Which right I desire you will enquire into, and inform me of your judgment therein, that justice may be done;" the Upper House answer, "That if he be legally discharged from being a Member of his Lordship's Council, he is thereby discharged and deprived of the priviledge of acting as a Member of the Upper House. Mr. Bordley asked by his Honour, whether he conceived and insisted on it, that by virtue of his letter of the 15th 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."

The Governor expressed himself to the Upper House thus, "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 full power of dismissing him."

p. 123 The Upper House's Address says, "Your Honour's asserting his Lordship's undoubted right of discharging any Members of his Lordship's Council from acting as such, (of which we never in the least doubted), together with your acquainting us, that you had particular instructions from his Lordship in relation to Mr. Bordley, and a full power to dismiss him, thereby to convince us of the legality of his discharge, induces us to apprehend, that your Honour resents our making it a question in our answer to your speech, whether he was legally discharged or not? And therefore in the humblest manner, we think it our duty to represent to your Honour, that we could not well answer the question proposed to us, without reserve; for that being a Member of the Upper House of Assembly depended upon that of his being at the same time of the Council.— So that we hope you will not interpret that sentence, as questioning his Lordship's power, &c."—The Remarker says above, "This case is fully in point, &c."—and so it is, but with the following distinc-