

exceptionable, would make some Provision for his being paid what he should have a Right to demand, and in all Probability allow him a good Commission, or handsome Reward, for his Trouble.

Accordingly on the 6th of March 1756, I sent his Bundle, together with my Account, to the then Lower House, with a Message, from which the following is an extract: "Gentlemen of the Lower House of Assembly, I enclose you have an Account how the 6,000 l. that was Granted by the last Assembly for his Majesty's Service, has been expended: As I have not Time to examine Col. Cresap's Accounts, I must desire your Committee to do it; and have ordered him to attend for that Purpose."

By the Journal of the Proceedings of the House, it appears that this Message of mine was taken into Consideration the 9th Day of that instant March, and a Committee appointed to enquire into the Accounts and Papers therein mentioned.

How far this Committee proceeded in the Examination of the Papers, and to what it was owing that the Gentlemen made no Report on them, they best know; the Session continued more than Ten Weeks after these Accounts were laid before the House, and Col. Cresap attended the Committee, as I have been told, agreeable to my Order: If the Gentlemen did not proceed for want of any Information that they imagined I could give them, or of any Papers which I could have procured for them, they were much to Blame in not moving the House to Address me on the Occasion, as they had, till that Time at least, by your own Account, all the Reason in the World to believe, that I should have most readily given them all the Information, and have afforded them all the Assistance, in my Power.

Had the Gentlemen of the Committee thought it necessary to have taken that Step, I will venture to say, neither I, nor my Secretary, should have been Charged with having exchanged any Papers, of having taken away one Account privately and put another in its Place; or of having done any Thing whatever, which it could be the Interest or Wish of either of Us, or of your Clerk, to conceal.

Having now told you what I know about the Papers which you say were missing out of your House, and shewn the disinterested Reader, from your own Journal, how others came before you, or in their Place, as you are pleased to phrase it; I shall leave it to those that may read your Address, and my Answer, to judge of your Candour, and my Guilt.

If the disinterested Reader could conceive that you, I mean such of you as were Members of the late Assembly, knew almost Three Years ago, as much as he will when he has read thus far, he would, I doubt not, be surprized at your desiring any Body to attend, at this Time, in order to give Evidence against your Clerk; and he might perhaps ask, Whether it would not have been as proper to Reprimand your Clerk, when his Offence was first discovered (supposing he had Offended) as at the Beginning of the present Session; and, how it happened, that his Misconduct was not Censured during either of the Sessions that were held in March and September 1756, and in April 1757? But, not to enumerate all the Questions that such a Person might be naturally supposed to ask, upon Reading that Part of your Address where you assign a Reason for requiring Mr. Ridout to attend your House, at the Beginning of the present Session, I shall proceed to Mr. Ridout's Relation of what passed in your House, after he did attend, which I choose to give you in his own Words.

"As I perceive that the Account which the Honorable the Lower House of Assembly has been pleased to give your Excellency, of what is said to have Passed in that House, the 30th of September last, while I was present; differs in some Particulars from the Account I gave some Gentlemen the instant I came out of the House, and from the Minutes which I took that Day, immediately on my return Home, I take the Liberty to mention to your Excellency, some Circumstances that may perhaps have been too Trivial to be taken Notice of by the Gentlemen of the Lower House, in their Address to your Excellency of the 2d Instant; but which are, in my humble Opinion, at least as Material as several others that seem to be therein dwelt on. As soon then as I had entered the House, in consequence of a Message sent me by the Speaker, for whom I had a particular Respect, the Door was shut, and Care taken that no other Person might be admitted: After I had been there a short space of Time, the Speaker addressed himself to the House, and asked the Gen-

tleman, Upon what Account he had been desired to send for me, and, what Questions they would have me ask'd; a Member thereupon standing up, and saying, The House wanted to know what Papers those were that were mentioned by Mr. Ridout in a Letter which he had some Time since wrote to Col. Cresap, and how he came by them, the Speaker addressed himself to me, and Questioned me agreeable to the Gentleman's Motion; Col. Cresap being seated on my Right Hand, I turned towards him, and desired he would let me see the Letter that the Speaker referred to; in compliance with my request, he immediately drew the Letter out of his Pocket and handed it to me: After I had perused it, I observed to the Speaker, that the Letter appeared by its Date to have been writ a great while ago, and said, I did not remember any thing about the Papers therein mentioned, but that I would take the Letter home with me, and if I should recollect what Papers they were would give the Colonel an Answer. Upon this, another said, that indeed he had not Read the Letter, but as it seemed to be of some Consequence he thought I ought not to be permitted to take it out of the House: He moved however, that the Clerk might be Ordered to let me have a Copy of the Letter, or of that Part of it where the Papers were mentioned. When I perceived by the beginning of the Gentleman's Speech, what he was going to say, I offered the Letter to One that was next me, to be returned to Col. Cresap, but another Member put out his Hand and took it, and then holding it to me, asked Whether the Name subscribed was my Hand Writing, to which I answered, Sir, I shall not think proper to Answer your Questions. In consequence of the above-mentioned Proposal, the Speaker ordered the Clerk to let me have a Copy of that Part of the Letter which related to the Papers in Question, or of the Whole, if I desired it; whereupon I said, that perhaps the other Parts of the Letter might serve to refresh my Memory, but added, that I did not, or, should not, apply for a Copy of the Whole, or a Part; and that since the Governor's Name was mentioned in the Letter, I must desire to be excused from Answering any more Questions concerning it. I was then desired to withdraw, which I accordingly did; but a short Time afterwards was sent for again, and on my Return to the Bar of the House, I was asked how the Papers, about which I had been before examined, came into my Possession? I said, as before, that it was a great while since the Papers had been in my Hands, that it was evident from the Letter that what I had done was by the Governor's Order, and that I must therefore desire to be excused from Answering any more Questions. A Member then said, Perhaps the Gentleman imagines there is much more Intended by this Enquiry, than there really is, and therefore it may be proper to Explain to him what it is the House is desirous of Knowing. I intimated to the Gentleman, that he need not take that Trouble; for that I had already Answered as much as I should think fit. After a short Pause, the Speaker said, You see, Gentlemen, that Mr. Ridout declines Answering: I suppose he may withdraw. It was then moved, that I might be Ordered however to attend in the Afternoon; whereupon the Speaker told me, that I might withdraw, but that I must attend the Sitting of the House in the Afternoon: I said, I have received Orders from the Governor to do some Business of his, in the Afternoon, and I must attend that. I was then, upon the Motion of some Gentleman, Ordered to withdraw; which I did, and returned Home, it being then about One o'Clock. What happened after this, your Excellency is no Stranger to: Had I been to give a Detail of what Passed while the Serjeant was in your Excellency's House, I should have varied a little from the Account which He is said to have given; but that Transaction is not, I apprehend, of very great consequence.

"As there are several Expressions in the Address; which has given occasion to this Narrative, that seem to imply that the Gentlemen of the Lower House would not have known, that the Papers in Question went through my Hands; if they had not learn'd it from my Letter to Col. Cresap of the 28th of May 1755, I cannot help observing to your Excellency, that a few Days after you sent Col. Cresap's Bundle of Papers, with a Message, to the late Lower House of Assembly, a Messenger came to me, as he said, from some Gentlemen of the Committee, who had been informed (as I understood) by the Clerk, of the Papers having been returned to your Excellency, and told me, that they want-

ed those Accounts of Col. Cresap's, which had been heretofore laid before the House; I told him, that I would wait on the Gentlemen in the Afternoon, and give them an Answer. It happened that just as I came upon the Parade the House was adjourned, but I addressed myself to one of the Committee, as I understood, and acquainted him with my Design in coming thither. I told him what I knew about the Papers, and said, I presumed Col. Cresap would readily lay them before the Committee, in case they should think proper to call on him for them. Since the Beginning of this Session, Mr. Casson, who was a Member of that Committee, as well as One of that which was appointed in February 1755; has told me, he remembers well, that when some of the Committee asked after the Papers, in March 1756, Col. Cresap told them that he had left them at Home: And if any Gentleman of the present House, has a Desire to see those Papers, I have reason to believe that Col. Cresap, who is now a Member, will be able to produce them. I think it incumbent on me to observe farther to your Excellency, that if the Gentlemen had only wanted a Witness against their Clerk, they need not have sent for one out of the House, for I have been well informed, one of the Members has said, since I was before the House, that if the Gentlemen had Questioned him concerning the Papers, in stead of sending for me, he could have told them how they went out of the House, and that he was not the only One among them that could have given them such Information. But whatever the Gentleman's Design was, in desiring that I might be sent for, I find, that from my declining to answer about a Matter which I could not instantly recollect, an occasion has been taken to calumniate and asperse my Character. False Stories have been artfully and most industriously propagated through the Province. Many People have been made to believe, that the Sum of 40,000 l. which was Granted some Time since for his Majesty's Service, had passed through my Hands, and that I absolutely Refused to Account for it: This I have been advised of by Mr. Waggaman, a Member of the House, who did me the Justice to undeceive the People whom he heard mention it. In some Counties it has been alledged, that I denied my Hand Writing; and in Others, that I had Stole an Account which had been passed by the Assembly, and secretly put another in its Room, by your Excellency's Order, with a view of Defrauding the Publick of several Hundred Pounds. To whose Generosity I am indebted for these secret Services, I have not been yet able to learn; but I must rely principally on the Justice and Candour of the Gentlemen of the Lower House, who are sensible there was not the least Foundation for such villainous Reports, to vindicate my Character, and to represent the Affair in its true Light, to such of their Constituents as may ask them Questions concerning it."

I forbear making any more Remarks upon this unlucky Affair of Mr. Ridout's, as you call it, but shall proceed to take some Notice of that Part of your Address, where you are pleased to Declare, "That you know nothing about the Rights and Privileges of those Gentlemen, that are said to constitute another Branch of the Legislature, as it is a Branch undevise'd in our Charter, and unknown in its Original;" a Declaration that differs very little, I think, from one that was once made here in the Days of Governor Fendall. That Gentleman, having been opposed, in some of his Measures, by the Council, agreed, as it should seem, with some of the great Speakers and Leading Men among the Burgesses, to Destroy the Upper House, and Subvert the Constitution: To bring this about, it was so ordered, that the Speaker, and the Members of the Lower House, should go in a Body to the Upper, and tell the Governor and Council, that they could not allow them to be an Upper House, or a distinct Branch of the Legislature; but that, if they pleased, they might take Place in, and become a Part of the Lower; the Governor readily accepted the Offer, and was received as their President. The Secretary, and other Gentlemen of the Council, Protested against such a Step, as a manifest Breach of his Lordship's Right, Royal Jurisdiction and Seigniority; and desired Leave to enter their Reasons; but they were not suffered. As soon as this Affair was known in England, proper Measures were taken to restore the Constitution and Govern-

ment: Another Governour was appointed per House re-assumed their Authority Privileges, and Mr. Fendall, and his Faction, were apprehended, tried of Rebellion; their Lives were mercifully spared, but their Punishments, by Loss of Goods, and Imprisonment, thought sufficiently Exemplary, to Governors, and Leading Members, their Conduct.

But you may still insist, that the new, how the Upper House, original Branch of our Legislature, and a Constitution, I shall therefore endeavor Satisfaction in that Point, hoping to enquire after the Rights and Privileges, as well as those of your House, as well as those of your future, to subscribe any such Papers, some Time ago, put into the Hands of several Gentlemen, who of the late Lower House of Assembly, if you will only recur to the

granted by his Majesty King Charles the Noble Ancestor of our present Proprietary, you may find, others, that King was pleased to with a Power of making Laws of the Freeholders of this Province Representatives; and, moreover, his Lordship, to Convene the said their Representatives, after such Form, as he should, in his Discretion.

The first Settlement that was since, after the Lord Baltimore Patent, was made by his Lordship between Two and Three Hundred in February 1632. As the Lord no Trouble or Expence to produce the Number of Inhabitants in the Lordship after a while, thinking their better Government, that enabled, by certain Instructions of April 1637, empowered his Lordship from his Arrival here, acted as Governor, to call a General People for that Purpose. In the Instructions, Summons were in the Hands of the Sheriff, requiring attend in Person, or appoint their peer, at St. Mary's, the 25th but, the Secretary, and other Lordship's Council, were called Summons, directed to each of Opening of the Session, there several Hundreds of St. Mary's Island, Twenty-four Persons, by of the Council, and the Governor this, and several other Sessions, and directed all Things that concerned Order. Some Bills, which had been prepared, were produced in the House being agreed to, a Committee frame others, and the Assembly the 24th of March following, the Drafts, or Bills, which the Governor to send to England, for his Lordship among these, was One, or Part General Assemblies, contained Words: "The Lieutenant-Governour (or his Deputy) and Governour, shall be empowered to call out of every Hundred (at least one Freeman) at any Time, and shall be judged a General Court, if these Drafts, or Bills, were by his Lordship, does not, I have Record; but, on the 25th of the same General Assembly being in the same Manner as the former, and being then empowered to Affirm the Name, to any Bill, or Act, that General Assembly agreed to, and was passed, by the Governor, and the following, For Establishing a Court, and the Laws to be made thereon.

"Whereas the King's Majesty hath given and granted absolute Power and Authority, to the Proprietary of this Province, to make any Laws, appertaining to the Province, by and with the Approbation of the Freeholders of the greater Part of the County, or Deputies, and of the said Freeman, or Deputies, in such Sort, as