

those Accounts of Col. Cresap's, which had  
heretofore laid before the House; I told  
that I would wait on the Gentlemen in the  
afternoon, and give them an Answer. It hap-  
pened 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 ac-  
quainted 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 Wit-  
ness 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  
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 what-  
ever 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 Char-  
acter. False Stories have been artfully and  
most industriously propagated through the Pro-  
vince. Many People have been made to be-  
lieve, that the Sum of 40,000*l.* which was  
granted some Time since for his Majesty's Ser-  
vice, had passed through my Hands, and that I  
absolutely Refused to Account for it: This I  
have been advised by Mr. Waggaman, a  
Member of the House, who did me the Justice  
to undeceive the People whom he heard men-  
tion 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 ano-  
ther in it's Room, by your Excellency's Order,  
with a view of Defrauding the Publick of se-  
veral 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 sensi-  
ble there was not the least Foundation for such  
villainous Reports, to vindicate my Character,  
and to represent the Affair in it's true Light,  
to such of their Constituents as may ask them  
Questions concerning it."

I forbear making any more Remarks upon this  
lucky Affair of Mr. Ridout's, as you call it,  
I 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, at  
it is a Branch undervided in our Charter, and un-  
known in its Original; a Declaration that con-  
fessers 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  
be, with some of the great Speakers and Lead-  
ing Men among the Burgesses, to Destroy the Up-  
per 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 Sec-  
retary, and other Gentlemen of the Council,  
opposed against such a Step, as a manifest Breach  
of his Lordship's Right, Royal Jurisdiction, and  
Majesty; and desired Leave to enter their Rea-  
sons; 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, the Up-  
per House reassumed their Authority, Rights and  
Privileges, and Mr. Fendall, and the Chiefs of the  
Faction, were apprehended, tried, and convicted  
of Rebellion; their Lives were with some Diffi-  
culty spared, but the Punishments inflicted on  
them, by Loss of Goods and Imprisonment, was  
thought sufficiently Exemplary, to deter all future  
Governours, and Leading Men, from imitating  
their Condu&t.

But you may still insist, that this does not at all  
show, how the Upper House originally became a  
Branch of our Legislature, and a Part of our Con-  
stitution, I shall therefore endeavour to give you  
Satisfaction in that Point, hoping it will lead you  
to enquire after the Rights and Privileges of that  
House, as well as those of your own; and that it  
will make your Constituents less forward, for the  
future, to subscribe any such Petitions as were,  
some Time ago, put into the Hands of many of  
them, by several Gentlemen who were Members  
of the late Lower House of Assembly.

If you will only recur to the Charter that was  
granted by his Majesty King Charles the First, to  
the Noble Ancestor of our present Right Honour-  
able Proprietary, you may find, that among many  
others, that King was pleased to vest his Lordship  
with a Power of making Laws, with the Assent  
of the Freeholders of this Province, or of their  
Representatives; and, moreover, left it entirely to  
his Lordship, to Convene the said Freeholders, or  
their Representatives, after such Manner, Sort or  
Form, as he should, in his Discretion, judge pro-  
per.

The first Settlement that was made in this Pro-  
vince, after the Lord Baltimore had obtained his  
Patent, was made by his Lordship's Brother, and  
between Two and Three Hundred other Persons,  
in February 1632. As the Lord Proprietary spared  
no Trouble or Expence to procure Adventurers,  
the Number of Inhabitants increased apace. His  
Lordship after a while, thinking it necessary, for  
their better Government, that Laws should be  
enacted, by certain Instructions dated the 15th  
of April 1637, empowered his Brother, who had,  
from his Arrival here, acted as Captain General,  
or Governour, to call a General Assembly of the  
People for that Purpose. In pursuance of these  
Instructions, Summons were issued through the  
Hands of the Sheriff, requiring the Freeman to  
attend in Person, or appoint their Proxies to ap-  
pear, at St. Mary's, the 25th of January 1637;  
but, the Secretary, and other Members of his  
Lordship's Council, were called by a particular  
Summons, directed to each of them. At the  
Opening of the Session, there appeared, from the  
several Hundreds of St. Mary's County and Kent-  
Island, Twenty-four Persons, besides the Members  
of the Council, and the Governour, who, during  
this, and several other Sessions, sat as President,  
and directed all Things that concerned Form and  
Order. Some Bills, which had been already pre-  
pared, were produced in the House; but, they not  
being agreed to, a Committee was appointed to  
frame others, and the Assembly adjourned. On  
the 24th of March following, they agreed to several  
Drafts, or Bills, which the Governour was desired  
to send to England, for his Lordship's Approbation;  
among these, was One, or Part of One, touching  
General Assemblies, contained in the following  
Words: "The Lieutenant-General, and Secre-  
tary (or his Deputy) and Gentlemen summon-  
ed by Special Writ, and one or two Burgesses,  
out of every Hundred (at the Choice of the  
Freemen) at any Time hereafter assembled,  
shall be judged a General Assembly." Whe-  
ther these Drafts, or Bills, were ever approved of  
by his Lordship, does not, I believe, appear upon  
Record; but, on the 25th of February 1642, ano-  
ther General Assembly being then called, after the  
same Manner as the former, and the Governour be-  
ing then empowered to Assent, in his Lordship's  
Name, to any Bill, or Act, that should be by the  
General Assembly agreed to, an Act was formal-  
ly passed, by the Governour, on the 12th of March  
following, For Establishing the House of Assembly,  
and the Laws to be made therein, viz.

"Whereas the King's Majesty, by his Letters  
Patent, hath given and granted full, free, and  
absolute Power and Authority, to the Lord Pro-  
prietary of this Province, to make and pre-  
tain any Laws, appertaining to the State of this  
Province, by and with the Advice, Assent, and  
Approbation of the Freeman of the same, or  
of the greater Part of them, or of their Dele-  
gates, or Deputies, and to that End, to assem-  
ble the said Freeman, or their Delegates, or  
Deputies, in such Sort, and Form, as to the

said Lord Proprietary should seem best, by Vir-  
tue hereof several Writs, or Summons, have  
been directed to certain Gentlemen, to appear  
personally at this Assembly, and to the Rest of  
the Freeman, inhabiting within the several Hun-  
dreds of this Colony, and the Isle of Kent, to  
Elect their Delegates, or Deputies, in their  
Names and Stead, to be present at the same;  
and, accordingly, all the Freeman of the said  
several Hundreds, and of the Isle of Kent (some  
few excepted) have Elected certain Persons to  
that End, and the same, their Election have  
subscribed and returned upon Record, and their  
said Delegates, and Deputies, are now assem-  
bled, accordingly: Be it therefore Enacted and  
Ordnained, by the said Lord Proprietary, and  
with the Advice, Assent, and Approbation of  
the Freeman, and of the Delegates, and Deputies  
assembled at this present Assembly, that  
the said several Persons, so Elected and Return-  
ed as aforesaid, shall be, and be called, Bur-  
geses, and shall supply the Places of all the  
Freemen, consenting or subscribing to such their  
Election, in the same Manner, and to all the same  
Intents and Purposes, as the Burgesses of any  
Burrough in England, in the Parliament of Eng-  
land, useth to supply the Place of the Inhabitants  
of the Burrough whereof he is Elected Burgess;  
and that the said Gentlemen, and Burgesses,  
and such other Freeman (not having consented  
to any the Elections as aforesaid) as now are or  
shall be at any Time assembled, or any Twelve  
or more of them, whereof the Lieutenant-Gen-  
eral, and Secretary of the Province, to be always  
Two, shall be called the House of Assembly,  
and that all Acts, or Ordinances, assented unto,  
and approved, by the said House, or by the  
major Part of the Persons assembled, and af-  
terwards assented unto, by the Lieutenant-Gen-  
eral, in the Name of the said Lord Proprietary,  
and shall be adjudged, and established, for Laws,  
to all the same Force, and Effect, as if the said  
Lord Proprietary, and all the Freeman of this  
Province, were Personally present, and did af-  
sent to, and approve the same."

From this Time, to the Year 1649, the Assem-  
blies were called, after the same Manner, with  
this Difference, that sometimes the Governour  
would require a Hundred, or District, to send only  
One, or Two Delegates, and at other Times,  
Three, Four, Five, or Six; but the Members of  
his Lordship's Council were always particularly  
called, and it could be no House, unless the Gov-  
ernour and Secretary were present.

In the Year 1642, the Burgesses desired the Gov-  
ernour, to suffer the Gentlemen that then compo-  
sed the Assembly, to be separated, so that the  
Lieutenant-General, and Members of his Lord-  
ship's Council, might compose one House, and  
the Burgesses another, but the Governour would  
not comply with their Request.

The Lord Baltimore, however, was pleased to  
approve of this Proposal afterwards, and in the  
Year 1649, the Governour, and Members of his  
Lordship's Council, being Eleven in Number, be-  
came one House; and the Burgesses, with their  
Clerk, whom the Governour appointed, became  
another House: An Act was made, For Settling  
the House of Assembly by Two distinct Houses, which  
was approved of by his Lordship, and is as follows,

"Be it Enacted by the Lord Proprietary, with  
the Advice and Consent of the Council and Bur-  
geses of this Province, now Assembled, That  
this present Assembly, during the continuance  
thereof, be held by Way of Upper and Lower  
House, to sit in Two distinct Rooms apart, for  
the more convenient Dispatch of the Business  
therein to be consulted of, and that the Gov-  
ernour and Secretary, and any One or more of the  
Council for the Upper House; And Mr. John  
Hatch, Mr. Walter Beane, Mr. John Medley,  
Mr. William Brough, Mr. Robert Robins, Mr.  
Francis Rosay, Mr. Philip Land, Mr. Francis  
Brook, Mr. Thomas Matthews, Mr. Thomas Star-  
man, Mr. George Mannors, Burgesses for St. Ma-  
ry's County, Capt. Robert Faughan, Comman-  
der and Burgess for the Isle of Kent, Mr. George  
Paddisaw, and Mr. James Cox, Burgesses for  
the Part of the Province now called Providence,  
or any Five or more of them, for the Lower  
House, together with the Clerk of that House  
for the Time being, who shall from Time to  
Time, Assemble themselves at the Time and  
Place to be by the Governour (or whomsoever  
of the Council he shall by Hand Writing under  
his Hand and Signet for that Purpose) from Time  
to Time appointed, during this present Assem-  
bly, shall have the full Power of, and be, Two

Houses of Assembly, to all Intents and Purposes,  
and all Bills that shall be Passed by the said Two  
Houses, or the major Part of both of them, and  
Enacted or Ordnained by the Governour, shall be  
Laws of the Province; after Publication there-  
of, under the Hand of the Governour and the  
Great Seal of the said Province, as fully to all  
Effects in Law, as if they were advised and as-  
sented unto by all the Freeman of the Province  
personally." The Enacting Clause in all the  
Acts that were made afterwards, during that Ses-  
sion, ran thus, Be it Enacted by the Lord Proprietary,  
with the Consent of the Upper and Lower  
House of Assembly.

Thus you see, Gentlemen, the Upper House  
Coeval with the Lower, and established on a firm  
Basis, and that your Position of It's being un-  
known in it's Original, was too general, and ought  
to have been confined to Yourself, whose Atten-  
tion to the ancient and undoubted Privileges of  
your own House, will, no doubt, be a good Ex-  
cuse to your Constituents, for your being entirely  
unacquainted with the Origine of such an essen-  
tial Part of our Constitution as the Other.

Let any Person should, after Reading your Ad-  
dress, be struck with what is mentioned above,  
concerning the Manner in which the first Summons  
or Writs, for calling an Assembly, were issued, and  
Wonder how there could be a Secretary or Sheriff  
in this Province, before an Assembly was ever  
called, I must here inform him, that his Lordship  
had a Power given him by his Charter, to Appoint,  
either by Himself or his Deputy, such, and so  
many, Officers, as he should think proper; and  
that by Virtue of this Power, he did, before any  
Assembly was called, Appoint, not only the Two  
Officers above-named, but also Military Officers,  
Commissioners of the Peace, and Coroners, on  
whom he settled such Fees as he thought ade-  
quate to their respective Services; and that af-  
ter Assemblies were called, and the Constitution  
settled, he did, at Times, create such Offices as  
he judged expedient or necessary. I should be too  
Tedious, were I to particularize when every Of-  
fice that is now Established in this Government  
was Created: But I cannot help intimating to you,  
as the Circumstance may not be otherwise known,  
that in the Year 1631, the then Lower House  
thought it expedient that they should be allowed  
a Sergeant at Arms, and "humbly Requested his  
Lordship to appoint such a Person to attend  
them during that Session," but his Lordship,  
for what Reason does not appear, did not think  
proper to comply with their Request.

Before this Time then it could not have been a  
Question (however Ancient and Undoubted their  
Rights) whether the Lower House might Order  
their Secretary into Custody? and I believe  
it is a Question that was never started in any  
Lower House of Assembly, before the present Ses-  
sion. It has been heretofore desired to  
permit a Gentleman that did Business for him to  
attend the Lower House on a particular Occasion;  
but it is very clear that they did not pretend to the  
least Authority over him; The Case happened  
when the Government of this Province was im-  
mediately in the Crown; and when the Assembly  
were disposed to give the Governour an additional  
Duty of Three Pence per Hoghead on all To-  
bacco exported: In order to settle the quantum of  
the additional Duty, they wanted to know what  
the Impost of One Shilling per Hoghead amount-  
ed to, and therefore "humbly desired his Excel-  
lency would be pleased to permit Mr. Llewelin  
to go down to the House for some small Time,  
and that he might bring along with him the  
several Accounts by him taken from the Naval  
Officers."

I do not pretend to say, that Mr. Llewelin was  
ever known by the Title of the Governour's Secre-  
tary, nor would it perhaps have been known a  
Hundred Years hence, that Mr. Ridout went at  
this Time by that Appellation, if you had not  
thought proper to issue a Warrant for him, and,  
without making any previous Application to me,  
given Orders for his being brought to Answer, at  
the Bar of your House, to any Questions that you  
should think fit to ask him.

Whether it is necessary that I should have a Sec-  
retary, or not, I may I think be supposed the  
best Judge, and the impartial World will perhaps  
be surprized at Your making that a Question, since  
I did not ask any thing of You for his Support.  
There are, I am satisfied, many Persons in this  
Province that have received great Benefit from my  
having One, and that will acknowledge he has  
served them without the least view of Advantage  
to