

nominate all Officers in General as well Civil as Military

Q. 2^d Whether there is anything particular in the Nature of the Office of Treasurer of either Shore to exempt it from the said Nomination

It does not appear to me that there is anything so particular in the Nature of the Office of Treasurer of either Shore, as to take the Right of Nomination to that Office, from the Lord Proprietary, and give it to any other Person

Q. 3^d Whether a few Precedents in this Case of a Treasurer being appointed by the tripartite Concurrence of both Houses of Assembly and the Governour can or do overthrow his Lordships Right

All the Precedents except One being between 1692 & 1716 when my Lord Baltimore was out of Possession, I am of Opinion that they will not overthrow his Lordships Right founded upon such plain Words in the Charter

Q. 4th Whether the Precedents hereto annexed do divest the Proprietary of his Right of Nomination to the Office of Treasurer or Treasurers, the said Treasurer or Treasurers so nominated giving the security the Law directs

The Treasurer or Treasurers when nominated by the Lord Proprietary must give such Security as the Law directs: To the other Part of this Query I have given an Answer already

W. Miller 22. January 1736

At a Council held in the Council Chamber on Tuesday the tenth Day of May in the twenty third Year of his Lordships Dominion Anno Domini 1737

Present

His Excellency Samuel Ogle Esq. Governour

The Honourable { Benjamin Tasker Esq.
Philip Lee Esq.
Michael Howard Esq.
George Plater Esq.
Edmund Jennings Esq.
James Hollyday Esq.
Col Charles Hammond

His Excellency having communicated to this Board the Reports made to him, by the Judges of Assize of the Eastern and Western Shores, of the several Malefactors condemned by them at their Circuits in April last, and of the Crimes of which they were convicted, and it appearing to this Board, that Francis Atkinson now under Sentence of Death in Ann Arundel County Goal, and Joseph Noy now under Sentence of Death in Queen Anns County Goal are Objects of Mercy

It is therefore the humble Advice of this Board to his Excellency, that he would be pleased to grant a Pardon to the said Francis Atkinson; and that he would be likewise pleased to grant a Reprieve to the said Joseph Noy, with a Clause to be inserted therein; that the said Joseph Noy be transported out of this Province in such time as to his Excellency shall seem proper; and forasmuch as the other condemned Persons are notorious Offenders; It is the Advice of this Board, that His Excellency be pleased to issue Warrants for the Execution of them

Ordered that the Clerk of this Board draw an Order on James Hollyday Esq. Treasurer of the Eastern Shore, payable out of the Duty arising from the three pence & h.

for