

Resolved that Capt. Richard Hill for his not appearing loose these days allowance, according to the rules of this house.

Mr. ^{Wm} That Mr. Rich^d Beards High Sheriff of Ann Arundell County hath not yett appeared and produced his precept whereby he detains Mr. Philip Clarke one of the Members of this house according to the order of this house.

By the house of Delegates Octob: 4th 20th 1698.

Mr. Sam^l Chew appearing before this house informs them that Capt. Thom^s Ely when he entered his Negroes Reported for but three hundred Ninety and Six Negroes and finding afterwards that he had more on board of which he made no entry the whole being Four Hundred Twenty three Negroes for the whole of which he was Ready to pay the Imp^t and desired that noe advantage might be taken ag^t him for the same for want of a post entry, and that this house would be pleased to Order him to whome he should pay the S^d Impost.

It is Resolved upon by the house that he pay the same to the Marshall officer for the District of the port of Annapolis and that no advantage shall be taken thereon for want of such post entry as aforesaid, if his Exc^y and the Hon^{ble} Councille shall approve of the same.

Signed by Order

Ch^o Gregory Cl^k house of Delegates.

Ordered that Mr. Benj^m Hall and Mr. Thomas Heichs. Carry up the afores^d Message to his Exc^y and Councille.

The Committee appointed to draw up the address to his Exc^y on behalfe of Mr. Philip Clarke presented the same which was read, viz^t.

To His Exc^y Francis Nicholfon Esq. Capt. Gen^l de. and his Maj^{ty} Hon^{ble} Councille.

The humble address of the house of Delegates.

May it please Yo^r Exc^y

It being vident to this house that Mr. Philip Clarke one of the Members thereof is now detained in prison, and it falling under our Consideration, to inquire for what Crime the said Philip Clarke was so detained, and whether under such Conventions as debared him from the service of this house in Order whereunto Inquiry was made of the Sheriff by what precept and for what Crime the said Philip Clarke was by him detained, his answer was that he was detained by virtue of a Capias ad Satisfaciendum for Six thousand pounds of Tobacco due to the King, but could produce no such precept, and having examined former presidents in the like case do find that no member ought to be restrained from the service of this house, but for Treason, Felony, or denying Surety for the same.

Therefore do humbly conceive that his being present here is our undoubted Right and Priviledge, and for that Reason do humbly pray Your Exc^y that