

Notes and Proceedings, December, 1757.

knowlege, that your Excellency, as a Branch of our Legislature, has Rights and Privileges, which we neither Power or Desire to exercise; but that you have any Servant constitutionally attendant upon you, in your Legislative Capacity, in the Discharge of your Duty, we must deny; and we hope your Excellency will never insist, that a Person not having a Commission, or Public Appointment or Nomination, or any thing more than a bare private Appellation, and one that never even underwent the Qualification necessary to entitle him to be a loyal Subject, that we can find, should be looked on as such; and if any Person were so commissioned by our Lord Proprietary or Governor for that Purpose, we shall take no further Notice of him, or his Office, than to point it out as an Innovation in our Constitution, to which we will not submit.

Your Excellency's having a Right in certain Cases, as the Chief Branch of the Legislature, to give Law to us, we do not clearly understand; but presume you mean the Power of Convening, Proroguing and Dissolving us, which we do not dispute. It will be Time enough to answer what you are pleased to say, of the Authority of each, over the Servants of the other Branch of the Legislature, when it appears to us, that your Excellency, in your Legislative Capacity, has a Servant necessarily and constitutionally Attendant on you, in the Discharge of your Duty; but as this is not the Case, why you should prevent a Person, you are pleased to mention with such an Appellation, from giving Evidence before our House, or endeavour to protect him, against the ancient and undoubted Authority of it, we leave to the Judgment of others.

Upon this Principle then, that your Excellency has not in your Legislative Capacity, any Servant necessarily and constitutionally Attendant on you, for the Discharge of your Duty, give us leave to say, that Mr. *Ridout*, or your Secretary, or by whatever Appellation it would be most agreeable to you to have him called, appearing before our House, whether by your Consent we neither know nor think it material (though it is pretty extraordinary, that your Secretary, as you are pleased to call him, and who, 'tis probable, has not even but just appointed to his Office, should know so little of his Duty, as to come before us without your Consent, we had a Right to interrogate him in the Manner we did, and to issue a Warrant to our Serjeant, to take him into Custody, for a Breach of our Rights and Privileges, in refusing to give Evidence before the House, and for a Contempt of the Authority of it, in not attending according to Order. And we must say, we are sorry your Excellency should have dropped such an Expression, as that "we had no Authority over him when present, let him have behaved as he would;" and we think ourselves so far from having given you any Cause of Complaint, of any Attempt in us to exercise an unconstitutional Authority, in requiring Mr. *Ridout* to appear before us to give Evidence, that we are satisfied we have as much Right to call him before us, as any other Gentleman that may reside in your Excellency's House, and as much Rights as all one of your Family before us, as one of any Gentleman's Family in the Province.

And we must here take the Freedom to tell your Excellency, that if the calling a Gentleman in your Family, Your Secretary, and endeavouring thereby to protect him against the Authority of this House, be one of those Rights and Privileges, which you intend, whenever you shall leave this Government, to deliver up to your Successor; we hope it will be rejected as unknown and unconstitutional in this Government.

We would not willingly, from what is said, conclude your Excellency has been "endeavouring to conceal any Thing from our Knowledge, which it may be proper we should know;" if the disinterested Reader should, we cannot help it. The Assistance heretofore given by you to the Lower House of Assembly, in their public Considerations, would have afforded us some Reason, to have expected you would have pursued the same Conduct now, had not this unlucky Affair of Mr. *Ridout*'s, convinced us of the contrary; and there seems but too much Room to apprehend, that had we, before we sent to request Mr. *Ridout* to attend, addressed your Excellency upon the Occasion, you would have judged the Subject improper for the Knowledge of the Public, and we should have had as little Satisfaction, upon the Point of our Enquiry, as we are like to have at present.

After the View your Excellency was pleased to give us, of the Rights of the several Branches of the Legislature, with Regard to each other and your Sense of our Treatment of you, in the Person of the Gentleman you were pleased to distinguish by the Appellation of your Secretary, it is no Wonder you should conclude with reason, that to give the Matters you recommended to our Consideration an immediate Place in our Debates, and putting us in Mind of the heavy Load, the making suitable Provision for those Services, must necessarily lay upon the People; that it behoved us the more to lighten their Burthens, in other Respects; and that we might greatly contribute to it, by diligently attending the Public Business, and carefully avoiding all such Steps as could only tend to protract the Session; as you might possibly entertain Hopes, by that Mean, totally to draw off our Attention from a Vindication of our Rights and Privileges. And we must here take the Freedom to observe, that tho' the Time spent in public Enquiries, in Endeavours for
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