

We do not mean to call in Question the Sincerity of this Declaration, or ascribe it to any other Cause than a Disposition to conciliate, by a candid and dispassionate Procedure, any Diversity of Opinion which both Houses may have entertained upon the Propriety or Expediency of these Bills, when we say, that we really wish (since our Opinion seems now to be of some Consequence) that the Proposition you have made in the Message under Consideration, had come sooner, that we might have been sooner able to communicate our Sentiments, without alarming you in respect of the Privileges you have lately claimed, giving up our own Rights, or subjecting ourselves to the Animadversion of having deviated from the strict Rules of Intercourse between the Two Houses.

The Corrections you have made in the Bill, after you had received it with a Negative from us, notwithstanding they may not be consistent with Parliamentary Modes of Proceeding, we are willing to admit; and shall, in order to give you the Satisfaction you desire, proceed to point out the material Objections we have to the Bill, not thinking that any Forms ought to be so religiously observed, as to defeat the Duty we owe to our King and Country, which demands, at this critical Juncture, a full Exertion of all our Powers, to vindicate the injured Rights of our most Gracious Sovereign, and protect our Fellow-Subjects in their Lives and Properties against the cruel and rapacious Invader.

We object to the Preamble, because it asserts that only the Delegates of the People give and grant; whereas the Bill cou'd not pass into a Law without the Proprietary's, and our Concurrence, and the Sum of Money to be raised by it is intended to proceed from a Tax upon his Lordship's Real Estate, and our Real and Personal Estates, as well as yours.

We object to your assuming the sole Nomination of the Officers mentioned in the Bill; we conceive that by the clear Words of the Charter, the Appointment of all Officers, Civil and Military, belongs to Lord Baltimore; and that you may have further Satisfaction upon this Point than would perhaps arise from a Perusal of the Charter, we shall add the Opinion of Lord Chief Justice Willes, given when he was Attorney-General, at a Time when there was some Dispute about the Right of nominating Treasurers. The Case and Answers are as follows, viz.

Q. Ist. *Whether, by the Charter of Maryland, the Lord Proprietary has not a Right to the Nomination of all Officers in general, Civil as well as Military?*

Ans. I am of Opinion that by the Charter of Maryland, the Lord Proprietary hath a Right to nominate all Officers in general, as well Civil as Military.

Q. IId. *Whether there is any Thing particular in the Nature of the Office of Treasurer of either Shore, to exempt it from the said Nomination?*

Ans. It does not appear to me, that there is any Thing 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 Persons.

Q. IIIId. *Whether a few Precedents in this Case of a Treasurer being appointed by the separate Concurrence of both Houses of Assembly, and the Governor, can or do overthrow his Lordship's Right?*

Ans. All the Precedents, except one, being between 1692 and 1716, when my Lord Baltimore was out of Possession, I am of Opinion that they will not overthrow his Lordship's Right, founded upon such plain Words in the Charter.

Q. IVth. *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?*

Ans. 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.

22d January, 1736.

J. WILLES.

If the Charter did not determine this Matter in Favour of Lord Baltimore, we must take the Liberty to assure you that we would not suffer our Estates to be Taxed by Officers deriving their Power from your sole Nomination, and who would naturally think themselves peculiarly accountable for their Conduct to yourselves.

We presume that the Officers appointed by the Bill, should have Rewards proportioned to their Services, the Trust reposed in them, and the Trouble attending the Execution of it, and that whether these Services are added to Duties incident to a previous Appointment made by the Government, or constitute the whole Duty of the Officers intended to be originally created by the Bill; but these Rules have not been observed by the Bill.

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