

claiming any Share of the executive Powers of Government, unless it be the Nomination of Commissioners. And what does the much boasted Opinion of the late Attorney General declare upon this Point? Why—"That the sole Nomination of these Commissioners, who are new Officers appointed by this Bill, *belongs neither to the Proprietor* nor the Lower House, *stricto Jure*; but, like all other new Regulations, must be assented to by both, but can be claimed by *neither*. The Proprietor's Charter intitles him to nominate all *constitutional Officers*, and all others, which by the Laws are not otherwise provided for. But I do not conceive my Lord has *any original Right* to nominate new Officers, appointed for the Execution of a new Law, without the Consent of the two Houses; nor, on the other hand, have the Lower House any such independent Authority, and therefore I think the Upper House are right, notwithstanding this Claim, in which they ought to be supported by the Proprietor, because it is unreasonable for one Branch of the Legislature to assume a Power of taxing the other, by Officers of their single Appointment." Here it is explicitly declared, that the Appointment of Commissioners is not comprehended among the Prerogatives of the Proprietor, but should be made by the Concurrence of the several Branches of the Legislature. If this be the Case, how was there, in this Instance, any Attempt to invade *His Majesty's Prerogatives*? The utmost it can amount to is, that the Lower House, by their Bill, infringed