

Board by his Honour the Governor and Ordered to be read Lib. X.
which said Letter follows in hæc Verba

May it please your Excellency

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The question as I remember your Excellency and the honble Council demanded my opinion in was whether upon a new Election of Assembly men their meeting may be prolonged beyond the time mentioned in the writts of Election

To which I humbly answer that as the King is the head beginning and end of Parliaments he may (where he is not restrained by act of Parliament) by his prerogative dissolve parliaments when and as often as he pleases, and that nothing can be done without his Actual or Virtual presence, when the Circumstance of Affairs require it; the parliament may be prorogued to another day than that to which the Writ is returnable, and my Lord Coke in his fourth Institutes mentions the course to be taken on that Occasion to be, that when the parliament shall not begin (so are his words) at the day of the Return but for Urgent Causes then to be prorogued until another day then to be holden before the King, the ready way to Effect the same is by a writt Patent under the Great Seal reciting the writt of Summons and to bear Test before the return of it directed to the Lords and Commons according to their respective titles and that for certain causes and Considerations &c the parliament is prorogued, this writt indeed is to be read in the house of Lords in presence of some of the Commons with intent, no doubt that all persons Concernd may have due notice, but as the end may be attained here by means less expensive and inconvenient than the Assemblys meeting only to hear such a writt read Viz' by sending one into every County to be published by the Sheriff and that without any Irregularity I humbly submit to your

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Excellency the most eligible method and as to the penalties upon the Delegates for non appearance at the Return of the writt of Election which was also mentioned as the design of the Law makers was (undoubtedly) to prevent the publick Affairs being neglected or delayed by the absence of any of the members, when the Assembly sits to do Business, were those penalties recoverable in the Courts of Law such a pro rogation as I have already mentioned would be a Bar to any Action brought for 'em, and as they are inflicted by the house of Assembly its own members are not in a worse State than they would be at Law I beg your Excellencys Pardon for the Uncorrectness of this Scrawl and beg Leave to subscribe my Self

Sir

Your Excellencys most humble
and Obedient Servant

D Dulany

7th April 1722