

rogatives? The utmost it can amount to is, that the Lower House by their bill, infringed the parliamentary rights of the other branches, in not admitting them to an equal share in the nomination of commissioners," because, says he, "it is unreasonable for one branch of the legislature to assume a power of taxing the other by officers of their single appointment. p. 98

Contemporary Printed Pamphlet Md.Hist.Soc.

"This I say can have no relation to any thing, but the Parliamentary privilege in this instance, reciprocally subsisting between the several branches, and can, by no torture of expression, be construed to extend to an invasion of the prerogative, which is always exercised independently of either branch.—I cannot help making one remark upon an expression in the opinion of the attorney-general, and that is the word unreasonable, applied to the conduct of the Lower House. One would have thought, that a person, who is so peculiarly obliged by the duties of his office, to guard the prerogatives of his Majesty, in animadverting upon a passage, which the Upper House must make the basis of their charge, would have made use of an epithet better adapted to that spirit of undutifulness and disloyalty, which their Honours have so freely imputed to the Lower House, had there been in his opinion the least occasion for it."

The Upper House insists upon being equal, as to the appointment of commissioners, to which the Lower House dispute their consent. p. 99

The reader will here be pleased to have recourse back to the public papers concerning supplies, inserted in this discourse, viz. the Lower House's messages of the 9th and 16th April, 1762, and the Upper House's messages of the 13th and 24th April, 1762. These public exhibitions of both Houses of Assembly will thoroughly inform him of the conceptions and proofs alledged by both Houses, in regard to the right and manner of raising supplies for his Majesty's service, and I likewise insert his Majesty's attorney-general's opinion, entire extracted from the printed proceedings in 1760, of the Lower House, relative to taxation; these circumstances will throw a light upon the whole, and evidently shew, that the absurd, unjust, unequal and oppressive assessment by the bill proposed by the Lower House for his Majesty's service, was an unwarrantable plan, and an invasion of his Majesty's prerogatives and the people's liberties, thrown into the hands of the Lower House by their unconstitutional bill, and their claim to the rights of a British House of Commons, i. e. the Lex Parliamenti. p. 100

The opinion of his Majesty's attorney-general :

As to the nomination of officers by the Lower House ;

In my opinion the sole nomination of these commissioners, who are new officers appointed by this bill, belongs neither to the Proprietary nor to the Lower House, *stricto jure* ; but, like all other new regulations, must be assented to by both, but can be claimed by neither. The Proprietary's charter intitles him to nominate all