

[that fears God and honours the king. It is irksome and disagreeable to me to dissolve an assembly, but as matters now stand, I am forced to do it, or must give up the king my master's prerogative, which nothing shall ever oblige me to do, who am the king's governor. Gentlemen, I do not think it for the honour of his Majesty's government that this assembly should sit any longer, and therefore I shall dissolve you."

Writs were issued for a new assembly to meet the 13th of July. The governor had no great reason to hope for a more favourable house. The people in general thought their privileges were attacked. The charter indeed was silent upon this point. In a dispute between the crown and the house of commons in the reign of king Charles II. an expedient was found which seemed to avoid the acknowledgment of the right of the crown to refuse a speaker, but a provincial law was principally relied upon, which declares, "that the representatives assembled in any great and general court shall be the sole judges of the elections and qualifications of their own members, and may from time to time settle, order, and purge their own house, and make such necessary orders for the due regulation thereof as they shall see occasion." Whether the legislators had in contemplation the right of the house to choose a speaker, exempt from the governor's negative, might well be questioned, but it was urged that the due regulation of the house might very well include this right.

The towns in general sent the former members. Boston discovered how they stood affected by leaving out Mr. Tay, who was one of those persons who serve upon a pinch, when a favourite cannot be carried by a party, to stop the gap and prevent an opposite candidate, and he came in several times upon such occasions. In his room the town now chose Mr. Clark, the negatived counsellor.

The house was willing to sit and do business, which the choice of the former speaker would have prevented. They therefore pitched upon a person less attached to party, Timothy Lindall, one of the representatives of Salem, to whom no exception was taken. The governor in his speech recommended a peaceable session, but the house could not forget the late dissolution. They began with a warm message or remonstrance to the governor, in which they tell him, "the last assembly took no great pleasure in being dissolved, before they had gone through the usual necessary business; their asserting and maintaining their just right and ancient privilege of choosing their speaker, and not owning his excellency's power to negative him, was nothing but what they were

strictly obliged to, and the new house are humbly of opinion, that whoever was of advice to his excellency, in the matter, did not consult his Majesty's interest, nor the public weal and quiet of the government, but officiously endeavoured to beget unhappy misunderstandings between his excellency and the house, and break off that desirable harmony which every one ought to keep up; we earnestly hope and desire the province may never have an assembly that will willingly forego such a valuable privilege as King William and Queen Mary, of ever blessed memory, graciously favoured the province with, when they gave their royal assent to a law directing and governing that affair."

All the subsequent proceedings of this short session shew how much the house was out of temper. An Indian war used to be universally dreaded. To prevent it, the governor and council had been treating with three of the Penobscot tribe, who were sent for or came to Boston, and the house were desired to make a grant for a present to them, but by a vote they refused to do it. Some time after they ordered a small sum, ten pounds only. To the controversy with the governor and the opposition made to the proposals which came from him, the war, which soon after broke out, was by the governor's friends attributed.

There had been no public notaries in the province, except such as derived their authority from the archbishop of Canterbury. The house now first observed, that a notary public was a civil officer, which by the charter was to be chosen by the general court, and sent a message desiring the council to join with the house in the choice of such an officer in each port of the province. To all instruments which were sent abroad, not only the attestation of the notary himself would be necessary, but a certificate under the province seal, to shew the authority to attest; the council therefore took time to consider of the expediency of appointing such an officer, and referred the matter to the next session, but the house immediately proceeded and chose the officers by their own votes. The arguments to prove that an officer to be chosen by the whole court could derive an authority from the majority of the members of the house of representatives have not been preserved.

Being offended with the council, the house sent a message desiring, "that considering the low circumstances of the province, no draught be made upon the treasury for expences at times of public rejoicing for the future."

It had been usual to make a grant to the governor, for the salary of half the year, at the beginning of the session. The house deferred it until the]