

fill as the king's governor, and therefore, according to the power given him by the royal charter, he negatived the choice, and desired they would proceed to choose another person. They sent back their answer, that they had chosen a speaker, according to their known and legal privileges, and therefore insisted upon the choice, and at the same time they renewed their motion to the council to join with them in the election. The governor told the committee, that he had received a message from the house, acquainting him with the choice they had made of a speaker, which choice had been negatived and he was no speaker. Upon this the house sent their committee to the board to acquaint them, that two messages having been sent to propose to the board to join in the choice of counsellors and no answer having been given, they now desired to know whether the board would join in the election or not.

If there had been any further delay on the part of the board, it is very probable the house would have proceeded without them, which must have increased the perplexity. The governor therefore left the board, having first charged the secretary with the following message to the house, "His excellency orders me to acquaint you, he is informed that Governor Dudley did, in the time of his government, disallow of a speaker chosen by the house, and that his proceedings therein were approved by the commissioners of trade and plantations, and that he was thereupon directed by the said commissioners to acquaint the council, that it would not be thought fit that her Majesty's right of having a negative upon the choice of a speaker be given up, which was reserved to her Majesty, as well by the charter, as by the constitution of England."

Notwithstanding the warm disputes in the preceding year, between the two houses, only one new counsellor was chosen, John Burrill, Esq. of Lynn, who had been many years speaker of the house, but this year was sent to the board, in the room of Mr. Higginson. The house had been as fond of this Mr. Burrill as of their eyes. His temperate spirit until now had engaged the whole house in his favour, and from year to year, procured him a general vote, but this year the house were willing to part with him for a gentleman obnoxious to the governor, which measure, it was easy to foresee, must give a further occasion of controversy.

Two of the newly elected counsellors were negatived, Nathaniel Byfield, who had been soliciting in England for the government when Colonel Shute was appointed, and John Clark, who was a

person of many valuable qualities, and obnoxious only, for being strongly attached to Mr. Cooke, and having been a great supporter of the cause.

After the election, the governor made a further attempt to bring the house to a compliance by the following speech. "Gentlemen, at the opening of this session you thought fit to make choice of Elisha Cooke, Esq. for your speaker, and upon your reporting of it to me, I did declare my dis-acceptance of that election, and am firm in my opinion that I had good right so to do, by virtue of his Majesty's commission and the powers reserved by the royal charter, and am also confirmed in it by what I find transacted by the late Governor Dudley, during his administration, and also by the opinion of the right honourable the lords of trade and plantations in that matter. I must further observe to you, that the person you have chosen had invaded the king my master's rights in the woods of the province of Maine, though confirmed to his Majesty by an act of the British parliament, and I have received the thanks of the right honourable the lords of trade and plantations for removing him out of the council. He has ill treated me, who am the king's governor, and has been censured by the council for it, which stands upon record in the council books. How acceptable this matter will be at home, considering the warning we have lately had from the court of Great Britain upon the account of passing the impost bill, will be worthy of your serious reflection. These things I thought necessary to acquaint you with, and advise you to return to your house and choose some other person speaker, with a reservation of your own rights, until you shall send to the court of Great Britain for the explanation of that part of your charter relating to the affair of a speaker."

The house, immediately upon their return to their chamber, entered into a debate upon this speech, and the question being put, whether, for the reasons assigned by his excellency, the house will proceed to the choice of a new speaker?—it passed in the negative, *nemine contradicente*.

The governor gave them no opportunity to proceed on any other business, for the next day he sent for them up again, and after another short speech dissolved the court. "Gentlemen, out of a tender regard I have for the welfare of this province, I shall give you the following advice before we part; that when it shall please God we meet again in a general assembly, which shall be as soon as possible, you will not let this province suffer by the perverse temper of a particular person, but that you will choose one for a speaker that has no other view but that of the public good, one]