

and not this It was upon the Same foot with the clk: of the house, and if further allowance is thought fitt to be made to him the same reason subsists for the other. Original
Journal.

As to what answer you give in relation to M^r Ben: Halls protested Bill this Board dos say that if it doth not consist with the honour of your house the said matter should be referred It dos not consist with the justice of his Ex^{cy} and his Matys honble Councill to allow of it untill they are better Satisfyed. And they suppose that the delaying the paym^t of the said Bill is not in the least to be ballanced with the damage and accidents which may happen to his Maty and his Loveing Subjects of this province, in not haveing the Oaths (which of the same nature upon compareing are found most of them differing one from an nother and Grand Jury charge regulated according to proposall for want of which his Matys and the Lord Baltemores power seem to be mixt and confounded together and was represented and complained of by the Grand Jury att the last provinciall Court Copy whereof was laid before you as also the Book.

About payment of his Matys Councils out of the Overpluss Tobacco it is not assented to unless they be proportionably allowed out of the overpluss Tobacco.

As to the Leavy there being 40000^l of Tob: overplus more then what is particularly allotted by the Journall of the Acc^{ts} his Ex^{cy} cannot suffer it to be disposed of without the number of Councillors proposed be incerted in the Bill or otherwise the method of Virginia may be taken in that case which is by apportioning the leavy in Assembly time.

His Ex^{cy} dos say that he supposes (with advise of his Matys honble Councill) has the same Liberty of returning answers to what coms from the house as you have.

And as to what you intimate of being determined here on purpose to Constreyne you to comply with his Ex^{cy} in those things which are not agreeable to the Sence of your house nor for the advantage of the country he denyes them, and can give them no Milder a terme and Expects you should prove them before his most sacred Maty or the Right honble the Lords Com^{rs} for Trade and foreigne plantations but he thanks god he is not conscious of having done any thing this assembly Contrary to the writt by which you now sitt and has Endeavoured all Lawfull and equitable ways and Means to accomplish them. Sig^d p or^d Hen Denton Cl: Councill.

Whereupon remarked by the house as followeth viz^t

p. 218

As to the word Serj^t att Arms it was a mere Mistake and ought to have been a Messenger in the nature of a Serj^t att arms.