

By his Ex^{cy} the Governour & Councill in Assembly
June 26th 1702

P. R. O.

Wee have directed the Gent herewith sent to Communicate to you some proceedings in Counc^l of the Eighth of May last upon the Occasion of his Ex^{cys} being informed that Lieu^t Coll^l Thomas Smithson Cheife Justice of the provinciall Court (and who had given great Sattisfaction to the Countrey in discharge thereof) had desired to be Excused and was not willing to Serve any longer in that Station

After your Consideration thereof wee recomend to you that you would Encourage the sd Coll^l Smithson cheerfully to persist in the Execution of his office by Suiteable rewards to his Services he being very well quallified for that Commission by his learning and great Study And it being very creditable for the Countrey to have such a p^rson to fill That place Tho at the Same time wee must Informe you that his Ex^{cy} Affirmes the said Coll^l Smithson has often mov'd him Expressing his Inclinations as desireous to be excused from Executeing that trust any longer but are confident will be ready in some great Measure to foregoe his privatt affaires and continue upon the termes proposed if the house thinke it may be of Service to the Countrey

Sign^d p ord^r W Bladen Clk Counc^l

M^r W Bladen Clk of the Councill likewise appeared and produced and read to the house the proceedings of the Eighth of May as Above intimated and Soe with drew

And thereupon the same was read and debated And all Comittees being Called the house resolves on to A Grand Committee fully to debate the matter in the above message Containd and haveing made choice of M^r W^m Dent their chairman

And the Committee haveing considered the matter by the Gouverneur and Councill propos^d in relation to an Allowance to be made Coll^l Smithson and then the Comittee disolved & M^r Speaker againe tooke the chaire

1 Maj^r W^m Dent chairman reports as foll^s The sd Coll^l Smithson is a p^rson in all respects Quallified for that office and has deserved not only in that but other matters very well of this province and is well worthy a Consideracōn for the same

2 Wee never understood that any Countrey or province has paid any Judge or Justice Sallary Except defraying their charges but such charge has been allways Defray^d out of his Maj^{ty}s revenue.

3 For which causes wee cannot thinke fitt to lay any burthen upon the publick to raise such Sallary as is proposed