

April 24 six shillings and eight pence—James McCray ten Pounds, sixteen
 Liber C. B. shillings and eight pence—Michael Moser five pounds, sixteen shil-
 No. 24 lings and eight pence and Hezekiah Murphy ten pounds, five shillings
 p. 268 of the same Emission due them per Accounts passed.—

That the said Treasurer pay to Edward Sprigg one hundred and seventy one Pounds and ten pence and John Ridout and Benjamin Ogle Esq^r one thousand three hundred and sixty four Pounds, nine shillings and three farthings specie agreeable to the "Act to adjust the Debts, due from this State" per Certificates adjusted and passed.—

April 24
 Liber No. 78
 p. 343

[Council to Honble Intendant.]

It is said, the Men whose Names are on the enclosed List, engaged in the Regular Service, but the Time of their engaging is not ascertained. The regular Way, we think, of settling the Accounts of the nine Months Men, who enlisted before their Term of Service expired, would be, to pay them as Militia Men for that Time; but we know not whether this Rule is observed. Would it not be proper to enquire of General Smallwood whether, in such Cases, their Pay as Regulars, commences at the Time of enlisting, or at the End of the nine Months the Men engaged to serve as Militia? And after being satisfied in this Point, we do not conceive we should be justifiable in ordering Payment on the Account as it now stands, as there are no proper Vouchers that any Persons, but those to whom the Money is due has a Right to receive it.

Ibid.

[Council to General Smallwood]

We have not, nor do we mean to consider the Suit brought by Randall; that is before a proper Judicature and will be legally discussed and determined, and the Damages given, if the Action is supported proportionate to the Injury, and the Nature of it. It does not appear to us to be necessary, in a Case so plain and self evident, to point out any particular Law from whence we derive a Power to interfere and afford Redress to an injured Citizen, where he is oppressed by the Military. Such a Power must be lodged somewhere, and we know of no other Jurisdiction which can, in a summary Way, determine such a Case between the State and the Subject, and grant immediate Relief, when a palpable Injury has been committed. The Executives have always, in the last Resort, superintended the Recruiting Service and exercised the Power of discharging or Retaining Recruits, according to the Circumstances disclosed to them; and we conceive, the Law giving you a Power to superintend that Service, could not nor was intended to prevent our Interference in the accustomed Manner. If we have assumed a Power, or exercised it improperly, we cannot be responsible to any Individual, and we are fully convinced our Interposition in this and similar Cases, will not