

support the Clerks Claim, then the Lower House came to the general Resolution which they communicated to the Upper, importing in the clearest and most general Terms "that they would allow the Clerk of the Council for all the public Services he should perform, upon their appearing by the Exhibition of an Account" tho your Construction is extremely far fetched & indefensible on any rational Principle, yet are we not surprized that the Success of it should be hazarded, for in Reality, you have nothing but that Pretence, weak as it is, to excuse or palliate your Conduct in Violating the Faith of a former Lower House, M<sup>r</sup> Ross hath always been paid a salary by the Public, and when the Allowance was brought to a Determination in 1756, a Compliance in future with the Resolve of the Lower House "that an Account should be exhibited" was by them made the Terms on which he was afterwards to be entitled to a Recompence, & it was natural for him to expect that he should certainly be paid if his Account of Public Services whether required of him by any particular Law or in the Course of his Duty as a Constitutional Officer, would shew him to be reasonably entitled to his usual Allowance, and therefore if there were Reasons for not allowing a Salary to the present Clerk, hereafter, much more conclusive than any you have offered, considering what was the Conduct of the Lower House in 1756 and their honourable Obligation arising from it, we conceive that it is in no Respect justifiable to reject M.<sup>r</sup> Ross's Claim at this Time. p. 283

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A Private Gentleman, who should refuse to allow an old Servant a Claim founded as M<sup>r</sup> Ross's is, would have very little Reason to expect that the World should applaud him for his Prudence. And we do not conceive, that in the Conduct of Public Business, Public Credit may be supported without paying a due Regard to the Principles of Equity and Honour by which every private Gentleman of Reputation holds himself to be bound. But in your present Rage against Precedents perhaps the Reason why we consider the Proceedings of 1756, to be Obligatory, may induce you to think they ought to be slighted, for your general Argument on this Head is that no Precedent ought to be regarded, and the Opinion you have advanced from the Encouragement of some supposed former Successes attending perseverance is no less than this, that Perseverance may accomplish every Purpose.

What may have been the Sentiments of the Writer you mention on the subject of Precedents, or how he applied them to his Purpose, is of very little Consequence. We do not contend that Precedents urged in the Support of a plainly injurious Measure ought to be relied upon

Our Words are "We conceive that no Variation from the numerous Precedents, continued without Interruption for so many Years; and established in so many successive Instances of Confirmation by