

mate to the executive Part of Government some of whose Services too from the Nature of them cannot as you say be reduced to Account that therefore he ought to be paid out of the Money collected for the Support of Government the Propriety of this Application was the Office now to be erected we think stands sufficiently evinced and Precedent the only Argument for a Journal Allowance at this Time remains to be answered. On this Head permit us to quote the Words of a celebrated Author a very good Judge on the Subject whose Sentiments on Matters of greater Consequence than the present Dispute are as universally admired as seen in the elegant and beautiful Dress with which he has been pleased to cloath them in a late Pamphlet Speaking of the Force of Precedent he Says "when Instances are urged as an Authoritative Reason for adopting a new Measure they are proved to be more important from this Use of them and ought therefore to be reviewed with Accuracy and canvassed with Strictness What is proposed ought to be incorporated with what hath been done and the Result of both Stated and considered as a Substantive Original Question and if far from being a rational Argument that Consistency requires an Adoption of the proposed Measure that on the contrary it suggests the strongest Motive for abolishing the Precedent when therefore an Instance of Deviation from the Constitution is pressed as a Reason for the Establishment of a Measure striking at the very Root of all Liberty tho' the Argument is inconclusive it ought to be useful

L. H. J.  
Liber No. 52  
Dec. 16

Wherefore if a suff.<sup>t</sup> Ans.<sup>r</sup> were not given to the Argum.<sup>t</sup> drawn from Precedents by shew<sup>s</sup> that none of the Instances adduced are applicable I should have very little Difficulty in denying the Justice of the Principle on which it is founded What hath been done if wrongful confers no Right to repeat it. To Justify Oppression and Outrage by Instances of their Commission is a Kind of Argument which never can produce Conviction tho it may their Asquiescence whom the Terror of greater Evils may restrain from resisting and thus the Despotism of the East may be supported and the natural Rights of Mankind be trampled under Feet. The Question of Right therefore doth not depend upon Precedents but on the Principles of the Constitution and hath been put upon its proper Point already discussed whether the Colonies are represented or not in Parliament" p. 341

It was on this Principle if we mistake not that the glorious Revolution was effected: it is on this Principle we dare say that your Honours as a Council of State are content to wave such Parts as you do not claim or wish to have of that extensive Jurisdiction exercised by the Council under diff.<sup>t</sup> Idea of Policy it was on this Principle that our Predecessors firmly and effectually opposed the Claim for Councillors Attendance Double per Diem Allowances to the same Person for Attendance in two or more Capacities in the same Day equally sanctioned by Precedent as the present Claim the monstrous