

U. H. J.  
Liber No. 36  
Dec 13

p. 257

counts, and the Committee made their Report, we did not affect to conceal what appeared from them, and we have Reason to believe, that what did appear from them, was pretty generally known, before your second Step was taken, in sending us a Message, “requiring a particular Account of the Charges of the Clerk’s for Services performed by Virtue of the Laws of this Province” The Accounts have been laid before you, and we have finally your Determination not only not to allow Him, in the Journal for all, but not even to allow Him for any of His services to the Public; and why therefore the Account was called for, we shall not undertake to Surmise, but it can’t be directly denied that M.<sup>r</sup> Ross is entitled to the same Equity and Justice with other Claimants on the Public; and therefore that some Method should be fallen upon to compensate his Services. But the usual Method, and the Application of Money in our Power not being agreeable, you have intimated that he may be paid out of the Monies received by Lord Baltimore for the Support of Government, of which you suppose there remains a Sum, unapplied to any Public Use, more than sufficient to make the Clerks of the Council a full Compensation of all their Services, and which, without Doubt, you expect will be applied as you propose, for if, in Equity M.<sup>r</sup> Ross ought to be paid by the Public for his Services to the Public, a Proposition for his Satisfaction, you expect to be ineffectual would be as little consistent with Justice, as an absolute Denial of it. Wherefore, we are willing to hope that if on a more mature Reflexion it should appear to you, that there are no reasonable grounds to expect your proposed Application will take Place, you will recur to the old Method, and make the Clerk the usual Allowance in the usual manner. What the Annual Revenue from Fines, and Forfeitures, and the one Shilling p Hogshead received in Virtue of a perpetual Act of Assembly laying that Duty on Tobacco for the support of Government may amount to, we can form no Guess, nor do we know, or believe that there remains unapplied to the Uses for which They were given, any of the Monies which constitute that Revenue. The Exposition of Contemporary Practice, as well as of uniform subsequent Usage, opposes your present Attempt, for we have the most conclusive Proof that They who gave the Duty upon Tobacco and Forfeitures, as well as all successive Assembly’s to this Time, did not mean or imagine that the Clerk was to be paid out of the Monies arising from them, since it is undeniable, that the Clerk of the Council hath always been provided for by a Salary, which hath been invariably allowed in the Journal; and we moreover insist, that the Provincial Amerciaments are, by the express Terms of a positive Law, subject to the Application of the Governor and Council only, that Lord Baltimore is the sole Judge in what Manner the Monies he receives, as Proprietary and Hereditary Governor of this Province, for the Support of Government, ought to be applied to that