

Tuesday 10<sup>th</sup> July 1787.

The Council met.

Present His Excellency William Smallwood Esquire

The Hon <sup>ble</sup>	}	Jeremiah D. Chase	}	Esquires
		James Brice		
		John Killy		
		John Davidson		

The Board having received information that the Naval Officers gave different interpretations to the Act of last Session to provide funds for the payment of Messrs Vanstaphorst took up the consideration thereof and gave their Instructions to the said Officers as follows.

In Council July 10<sup>th</sup> 1787.

"Sir, This Board having been informed that a diversity of Opinion has happened among some of the Naval Officers respecting the Construction of the Act to procure permanent funds for the Debt due from this State to Messrs Vanstaphorst passed at April Session 1787 some of the Officers having allowed a Draw back of the Duties imposed by the said Act upon restocking the Articles subject to Duty, and others having refused to make such allowance, and it being necessary that the Construction of the said Act should be uniform, that the like justice may be done to all. We have thought proper to interpose and to notify our Opinion to you for your Government, that no Draw back can be allowed of the Duty imposed by the said Act because it is not expressly given. The allowance would certainly diminish and must defeat the Provision held out for securing the Interest as the inducement for assenting to the propositions contained in the said Act, and therein deceptious and derogatory to the Dignity of the State, and we do accordingly instruct you not to allow any Draw-back of the Duties imposed by the said recited Act. We are Sir

To the Naval Officers - W Smallwood"

to which the Honorable John Killy Esquire entered the following dissent  
Dissentient,

1<sup>st</sup> Because the allowance of Draw backs is a part of the Commercial Law of the State; and must therefore obtain in all Cases where it is not expressly prohibited. By the Commercial Law I mean the Act of November 1785 "to alter and amend the laws respecting Commerce" &c, together with such parts of former Laws as