

necessity for it to deliver to the officer mentioned in it. and it is my wish that the force employed should be such as to preclude the Probability of Resistance -

I am afraid this Interposition will be too late. but, if not. the order must be executed with Vigilance and Despatch and the Vessel taken into the Possession of the Collector unless the Captors choose to carry her out of the District

The Instructions of the President in reference to cases of this kind lodged in the Council Chamber do not appear to provide for Restitution. but merely go to prevent the Sale. and to deny to such Vessels an Asylum in our Ports. If you have any particular or general Directions. however reaching to a greater Extent you will no doubt act accordingly. and perhaps it would be advisable to detain her until the Presidents Decision shall have been procured on account of the Infraction of the Rules established attempted by her Captors -

I have not time to write to Mr. Purviance. but you will be obliging enough to communicate with him and shew him this letter and request his Cooperation

Zebulon Hollingsworth Esq.

I am &c

John H. Stone

In Council January 6th 1795.

Gentlemen

It has become a Question whether the power of appointing a Clerk to the Court of Appeals is vested in your Honours or in this Board. and, as the Death of Mr. Merrick must occasion such an appointment, it becomes proper that the right to make it should be fully considered -

We feel anxious to avoid on our parts the assumption of authority. equally residing in a different Body. and we have no Doubt that you are equally averse from committing any Encroachments upon the Province of the Council.

It is not justifiable, however, in any Department of our Government to surrender from Delicacy its constitutional Rights. or to refrain from the Exercise of them when occasions fairly present themselves -

It is for this reason that we propose to your Honours a Conference with