

By the Upper House of Assembly, July 28, 1740.

Gentlemen,

WE are very much surprized, that you should think it inconsistent with your Duty, and the Laws of the Province, to allow the Article of 120 lb. Tobacco to the Chancellor, since that Fee arises from the Mercy and Lenity of the Governor shewn to an Offender by the Seal of a Pardon: And it must appear very extraordinary, that the Use or Charge of the Seal for such a Purpose, is found Fault with by the Representatives of the People, nor can we presume there is any Law against the Allowance, for we never heard that the Seal to a Pardon was ever before scrupled, or otherwise paid than, by the Publick.

As we apprehend from the Reasons you give for the Disallowance of the 54898 lb. Tobacco to the Secretary and Attorney General, that you are not thoroughly apprized of the nature of those Fees or the Prosecutions on which they arise, we must observe to you, that little, if any, of the Account of 5647½ due to the Secretary is founded on the like Prosecutions as those in the other Accounts of 21250½ to the Secretary and 28000 lb. to the Attorney General, and therefore not liable to your Objections in your Message of the 26th Instant: But as to those two latter Accounts, the Prosecutions on which the Fees arise were commenced and carried on for the Punishment of Violences and Outrages committed on the Borders of this Province, and in order to preserve the Peace and protect and secure such of our Inhabitants as had taken up Lands by Maryland Rights in their Possessions under this Government: And in those Prosecutions his Lordship was no otherwise concerned than he would be in Supporting in any other part of the Province the Properties of his Tenants, the Peace of the People, and consequentially the Rights of his Charter; therefore your Reason, if a good one, may as well be applied to every other Publick Prosecution as these: You are, Gentlemen, certainly very much misinformed in what you mention of his Majesty's Disapprobation of those Prosecutions; it is very true, that by his Majesty's Orders all Prisoners on both sides on account of those Riots and Disturbances were Discharged, but so far were those Orders from being founded on the least motive or suggestion that such Prosecutions were unwarrantable or illegal, and so far was his Majesty from expressing any Disapprobation or Censure on them, that his Majesty on the contrary was pleased to Order, that the Prisoners should enter into their own respective Recognizances in a reasonable Sum to appear and submit to a Trial when called upon by farther Order from his Majesty; therefore we hope you will consider, that the Secretary and Attorney General being obliged by their Offices to do those