

*Benedict Calvert*, Esq; from the Upper House, delivers to Mr. Speaker, the following Message,

viz.

By the UPPER HOUSE of ASSEMBLY, December 13, 1765.

GENTLEMEN,

THAT the Question between us, concerning the Clerk of the Council's Salary, may be brought to the single Point upon which it really Depends, we think it proper to State some Facts that cannot be Controverted; and this Method is become the more proper, since it may tend to compose the Minds of the People, who, having been imposed upon by the malignant Misrepresentations of factious Men, in whose Candour and Veracity they have too much confided, are extremely agitated.

In pursuance of this Purpose, we lay down the following incontrovertible Facts, That the Services performed by the Clerk of the Council, for which he has a Claim upon the Public, are, in no Respect, connected with the private Concerns of Lord *Baltimore*: That they are of a general Nature, relative to the whole Community: That the Governor, by the Constitution of this Province, being assisted in the Administration of the executive Powers of Government, by the Advice of the Council, and it being expedient that there should be an Officer to give Notice to the Members of the Council, when their Attendance is requisite, to prepare the Mandates that occasionally issue to the subordinate Ministers, and to Record and Preserve, Memorials of the Proceedings in this Department, such Officer hath always existed in this Province, under the Appellation of Clerk, or Secretary, and is a necessary Constitutional Officer: That in this Capacity he hath been enjoined to perform various Duties by many Acts of Assembly, allotting for them no particular Rewards: That he hath always received a Satisfaction for his Services, in this Capacity, to the Public, in every Journal of Accounts that hath passed, to the last, inclusive: That Mr. *Ross* claims nothing but for Services done to the Public: Nothing but the Salary he and his Predecessors in Office have always claimed of, and been paid by, the Public: Nothing but what all the Branches of the Legislature, concerned in regulating and assenting to all the former Journals, have thought his Services merited: That Mr. *Ross* hath exhibited an Account of Duties actually performed by him in his Office of Clerk: And that it appears by his Account, that, if the same Rule is admitted in Charging the Public, which is established by the Inspection Law in Matters of private Concern, the Expence of the actual Services done by him for the Public, would considerably exceed the Amount of the Salary; tho', in framing the Account, some Parts of the Services performed by him are not included, because not reducible to this kind of State. All the above Facts are, we conceive, undeniable; and therefore ought not to be concealed by Reserve, or obscured by Evasion; but, on the contrary, ought to be candidly and explicitly admitted, that all Men may be fully informed upon a Subject, which hath become the more Important, from the gross Deceptions which have been practised, and the Discontents they have excited, that they who have been Injured by Aspersions, may have their Characters Vindicated by a full Detection of the Falshood and Malice of it.

You are pleased to say, that "the Services done by the Clerks of the Council may merit some Salary, the Quantum of which you will not undertake to ascertain;" we wish you had delivered your Sentiments on this Head with more Precision, that we might run no Risque, in our Construction of ambiguous Expressions, of Mistaking your real Meaning. May we presume to understand your Meaning to be, That he does merit a Salary by his Services? But "you will not undertake to ascertain the Quantum." Shall we presume that you do not dispute the Quantum proposed by our Amendment, the Quantum always heretofore allowed? A Demand hath been made upon the Public, and the Amount of that Demand hath been expressly ascertained: We thought it to be Just, and proposed the Insertion of it in the Journal: You do not deny that the Whole ought to be paid; and we infer therefore, that you tacitly admit the Clerk of the Council ought, in Justice and Equity, to be paid for his Services to the Public, by the Public; and that only the Mode of Payment is to be discussed and settled.

You farther observe, That "under the peculiar Circumstances of this Province, the Clerks Salaries ought not to be inserted in the Journal, nor in any Manner paid by a further Tax on the People you represent." What these peculiar Circumstances are, you have not explained, and we are really a loss to ascertain. There is now a large Sum of Money subject to the Application of the General Assembly: There is also a large Public Debt due from the Province, which, including Mr. *Ross*'s Claim, may be Discharged by the Money in our Treasury, without any additional new Tax on the People. The Situation of the People is such, that the Failure of the Journal must involve very many in great Distress. These, we presume, are not the peculiar Circumstances you mean; if they are, they appear to us to apply most powerfully in favour of the Old Establishment, by presenting to our View the indubitable Mischiefs that must arise from your persevering in the Purpose of deviating from it. If they are not, we shall not venture to conjecture what the peculiar Circumstances are, to which you allude.

Our Amendment proposes a Satisfaction to Mr. *Ross* in the usual Manner: Your Message imports, that he ought to be paid out of Monies hitherto appropriated to other Purposes. In Support of our Opinion, we shall proceed to apply, as succinctly as we can, some of the Facts that have been stated, and the Reasoning we have founded thereon, and then Answer your Proposition,