

position, respecting the Manner in which the Clerk of the Council now, and, in future, ought to be paid for his Services to the Public. We take it to be agreed, That the Clerk ought to be satisfied one Way, or another, out of the Public Money: That a Salary is the most convenient Satisfaction; and that the Salary of 9,600^l Tobacco, or Sixty Pounds Currency, *per Annum*, is a moderate Allowance. So far our Sentiments coincide with the Sense of all former Assemblies, deducible from the incontestable Fact, That the Clerk of the Council hath always received a Salary, in every Journal of Accounts, that hath Passed, from the Revolution, to this Time; not to mention the more liberal Income he received, before that *Æra*, from Fees and Perquisites, when the Council exercised, under a different Idea of Polity, a more extensive Jurisdiction than we claim, or wish to have. Entertaining the same Principles, and influenced by the same Motives of Justice and Equity with our respective Predecessors, who have composed the Legislature of this Province from the happy *Æra* of the Restoration of *English* Liberties, we conceive that no Variation from the numerous Precedents, continued without Interruption for so many Years, and established in so many successive Instances of Confirmation, by their most deliberate Acts, ought to take Place, unless the Precedents have been experienced to be Inconvenient, or can be clearly proved to be Oppressive. The Use of Precedents must be perceived, when the Inconveniencies of Contention, which flow from a Disregard of them, are considered, and especially when they are severely felt; when we reflect that the Intercourse and Privileges of the Members of Political Bodies, the Measures of Justice in Contests of Private Property, the Prerogatives of Government, and the Rights of the People, are regulated by them.

There is, moreover, a Reverence due to antient Establishments adopted, and confirmed by subsequent uniform Usage; and a Modesty to be observed in opposing the Sentiments of those, who have occupied the Stations we are now placed in, with, at least, an equal Reputation of Ability, Integrity and Vigilance, for the Public Good.

Considering the State of incontrovertible Facts, and the Sanction arising from them, we must be acquitted of all sinister Designs to extort, in the present Conjuncture, any Concessions from the Representatives of the People, derogatory from the Rights of their Constituents, there not being the least Colour of a Pretence for any Suggestion, that, availing ourselves of the Distresses of the Public Creditors, and the Difficulties the People in general will be involved in from the want of the Money now lock'd up from the common Use, we aim at an Advantage which would not be attempted at another Crisis.

The first Instance, which occurs to us, of any Dispute between the Two Houses, on the Subject of the Clerk of the Council's Salary, happened in *May* Session 1756, when the last Journal which Passed, was under Consideration of the Assembly; and the Proceedings of the then Lower House shew, that, on considering a Message from the Upper House, insisting that the usual Allowance of his Salary should be made to the Clerk of the Council on the Journal, a Question was put in the Lower House, "Whether the Members would agree to make the usual Allowance to the Clerk of the Council, as by the said Message was proposed, or not?" and determined that the usual Allowance should be made to the Clerk of the Council: However, when the Journal was returned to our House, it was attended with a Message containing a Passage in the following Words: "We herewith send you the Journal of Accounts, in which is inserted an Allowance to Mr. *Ross*, Clerk of the Council, for Public Services by him done; and have Resolved, That, for the Future, no such Allowance shall be made: But, upon having a particular Account laid before us by Mr. *Ross*, for Public Services by him done for this Province, we shall allow what appears to us reasonable." Expecting, that in Conformity with this Resolve, a Request would, this Session be made, of an Account, and being particularly desirous at this Time, when a Disagreement between the Two Houses would prove extremely detrimental to the whole Province, to manifest our Disposition to preserve a good Understanding with your House, by giving you all the Satisfaction, which we imagined you might desire, we directed Mr. *Ross*, and the present Clerk, very early in this Session, to make out an Account of their Services to the Public, and appointed a Committee to examine and compare it with the Council Proceedings, that, if it was really your View, as we hoped it was, to form an Estimate of the Degree of Satisfaction Mr. *Ross* and the present Clerk might be entitled to for their Services, and your Intention to settle his Claim, the Dispute might be easily terminated between us: This Account, together with the Report of our Committee, we communicated to you, as soon as an Account was requested, tho' it comprehends Articles beyond the Duties performed under the Injunction of Acts of Assembly, and your Message, narrowing the Principles adopted by the Lower House of 1756, on which we flattered ourselves you would have proceeded, and agreed to pay the Clerks for their Public Services, seem'd to intimate a Design of paying them only for some of their Services. The first Step taken in this Controversy in the Year 1756, implied an Ignorance of the Services done by Mr. *Ross* for the Public, but fully expressed a Resolution to allow him for all such, if appearing by a particular Account. After the Clerks had exhibited their Accounts, 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 Clerks 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