

Services to the Public; and why therefore the Account was called for, we shall not undertake to surmise; but it can't be directly denied, that Mr. Ross is entitled to the same Equity and Justice with other Claimants on the Public, and therefore that some Method should be fallen upon to compensate his Services; but the usual Method, and the Application of Money in our Power, not being agreeable, you have intimated that he may be paid out of the Monies received by Lord Baltimore for the Support of Government, of which you suppose there remains a Sum unapplied to any public Use, more than sufficient to make the Clerks of the Council a full Compensation for all their Services, and which, without Doubt, you expect will be applied as you propose; for if, in Equity, Mr. Ross ought to be paid by the Public, for his Services to the Public; a Proposition for his Satisfaction, you expect to be ineffectual, would be as little consistent with Justice, as an absolute Denial of it. Wherefore we are willing to hope, that if, on a more mature Reflection, it should appear to you, that there are no reasonable Grounds to expect your proposed Application will take Place, you will recur to the old Method, and make the Clerk the usual Allowance in the usual Manner. What the annual Revenue, from Fines and Forfeitures, and the One Shilling per Hoghead, received in virtue of a perpetual Act of Assembly, laying that Duty upon Tobacco for the Support of Government, may amount to, we can form no Guess; nor do we know, or believe, that there remains, unapplied to the Uses for which they were given, any of the Monies which constitute that Revenue. The Exposition of contemporary Practice, as well as of uniform subsequent Usage, opposes your present Attempt; for we have the most conclusive Proof, that they, who gave the Duty upon Tobacco and the Forfeitures, as well as all successive Assemblies to this Time, did not mean or imagine that the Clerk was to be paid out of the Monies arising from them, since it is undeniable, that the Clerk of the Council hath always been provided for by a Salary, which hath been invariably allowed in the Journals; and we moreover insist, that the Provincial Amercements are, by the express Terms of a positive Law, subject to the Application of the Governor and Council only; that Lord Baltimore is the sole Judge in what Manner the Monies he receives, as Proprietary and Hereditary Governour of this Province, for the Support of Government, ought to be applied to that Purpose; and that your Denial of doing Justice to a Servant of the Public, by the Application of Monies, over which you have a Power with the Concurrence of the other Branches of the Legislature, and undertaking, with this Refusal, to point out the Application of Money, which is independent of you, is effectually setting up a Claim unauthorized by the Laws and Constitution of this Province, as well as contrary to all Precedents. If, upon a more mature Consideration of the Subject, you should really, and seriously think, that the Clerk of the Council ought not to be paid in the usual Manner, and an Application of any Part of the Revenue given for the Support of Government, ought to be made for his Satisfaction, we have now to offer to you a new Method for the Settling the Justice and Propriety of your new Proposition: We will agree to the Passage of a Law for raising or applying a Sum of Money for the Support of an Agent for Each House of Assembly, who may be forthwith Instructed to lay the Subject Matter of our Controversy before his Majesty in Council, and to obtain as speedy a Decision thereon as may be consistent with the usual Forms of Proceeding in such Cases; and, that the People may not have Reason to complain of their being kept out of their Claims, we further propose, that all the Public Creditors be immediately satisfied, except the Members of the Two Houses, and the Clerk of the Council, who may wait till a Decision of the Question shall be notified to us.

And now, Gentlemen, we think it behoves us, in the most explicit Manner, to declare to you, that if you should remain inflexible, and reject the Expedient we have offered for terminating the unhappy Misunderstanding which hath already given a deep Wound to the Credit, Peace, and Order of this Province, we, on our Parts, shall ever think ourselves bound by all the Ties of Justice and Honour, to support the Claim of the Clerk of the Council; and, if nothing will satisfy you, but our sacrificing a Servant of the Public, who, in our Judgment and Conscience, is most justly entitled to a Compensation from the Public for his Services, tho' we shall be most sensibly affected with the Distress of the Public Creditors, and indeed of the whole Province, from the Miscarriage of the Journal, yet we shall derive great Consolation from the Reflection, that we have exerted all Just and Reasonable Means for promoting its Passage, and preventing the general Mischief of its Failure.

Signed by Order,

U. SCOTT, Cl. Up. Ho.

And the Journal of Accounts, and the List of Debts.

The Bill entitled, *An Act for the Security of Purchasers and Others, being Protestants, claiming by or from Aliens*; was Referred for Consideration on the first Day of January, 1766.

The Bill entitled, *An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer*; was Read the second Time, and will Pass.

The Bill entitled, *An Act for raising Four-pence Sterling per Hoghead, on all Tobacco exported out of this Province, for the Support of an Agent in Great-Britain*; was Read the second Time, and will pass.

The House adjourns till the Morrow Morning at IX of the Clock.

SATURDAY,