

exercise not only the Office of Governor, but even the most trifling Office within the *English* Dominions. But it will be necessary, as to this 12 *d.* per Hoghead, not only to exclude the Rule your Honours are so willing to adopt, with regard to the Clerk's Salary, but to shew, that Lord *Baltimore* is either Heir or Successor to Queen *Anne*; for, the Duty being granted to her Majesty, "her Heirs and Successors, for the Support of her Government for the Time being, in and over her Majesty's Province aforesaid, and the Territories to the same belonging," he must, to entitle himself under that Grant, shew, that he is within the Terms of it, that is, Heir and Successor to Queen *Anne*.

These Facts sufficiently evince the Peculiarity of the Circumstances of this Province pointed at in our Message, to which you affect to be such intire Strangers; and, as we do not know of any, so we hope no Part of his Majesty's Dominions, are in similar Circumstances.

Should we be so unhappy as to disagree as to the Right of Lord *Baltimore*, to receive the Tonnage, or 12 *d.* per Hoghead, we cannot doubt your Concurrence as to the Obligation to apply at least the 12 *d.* per Hoghead, Amerciaments, and Fines and Forfeitures, to defray the Charges of Government, and consequently, that an Account is to be rendered thereof; and, though we do not claim the Right to make the particular Applications, we do contend that we have a Right to see that Applications are made of the Whole; and that, until that Fact shall appear, we shall think ourselves excused from levying more, or applying other Money, to defray the Expences of Government, nor shall we admit your Honours Belief of that Fact as Evidence in a Matter that you yourselves are so entirely ignorant, that you can form no Guess; for we take it, that it is equally necessary to know what is received, as what is expended, to induce a Knowledge or reasonable Belief, that Nothing remains.

No Instance occurring to your Honours of any Dispute between the Two Houses, on the Subject of the Clerk of the Council's Salary, till *May* 1756, seems to imply, that was the first Instance of any Refusal in the Lower House to allow such Salary: Had this been the Case, or even suppose this Session had furnished the first Instance, we should not have thought *Precedent* a Shrine at which the Rights of the People, Common Justice, and the Principles of the Constitution ought to be sacrificed; but it is strange, as that Vote is connected with precedent Matter, your Honours should not have Curiosity to trace the Subject, at least through that Journal. The Truth is, that the Refusal to make a Journal Allowance to Mr. *Rofs*, of a Salary as Clerk of the Council, took its Rise, as we believe, in 1749, and has been continued down to the present Time; for, in 1749 and 1750, we find the Journal of Accounts was sent up, without the Allowance of a Salary to the Clerk of the Council; and the Upper House, in their Message of the 30th *May*, 1750, the 6th *June* 1751, and in *June* 1752, take Notice of such Omissions. In *October* Session, 1753, the Upper House say, in their Message respecting the Journal, "the Lower House have not inserted the Allowance of the Council of State since the Year 1747, nor the yearly Salary of the Clerk of the Council, from the Year 1747:" The Lower House, in their Answer, refer the Members of the Council, as well as their Clerk, to Fines and Forfeitures given by Acts of Assembly, and the 12 *d.* per Hoghead taken by Lord *Baltimore*, for Satisfaction. The Upper House, in another Message, say, "As to the Allowance for the Attendance of the Council of State, and their Clerk, we refer you to the Proceedings in the Debates thereon, entered in your own Journals, and particularly to the Journal of the Year 1736," &c. This shews, that according to the Idea of the Upper House itself, the Rewards of the Council of State, and their Clerk, stood on the same Foundation, and the Dispute in the Year 1736, as to the Council of State, *nominally*, was disputing their Clerk's Salary, *consequentially*.

In the Message of the Upper, to the Lower House, the 29th *April*, 1756, with the Journal, is this Paragraph: "There is no Allowance to the Members of the Council of State for their Attendance, or to Mr. *Rofs*, for his yearly Salary as Clerk of the Council. In this we are the more surprized, as you cannot but know there are several Laws in Force, which require many Services to be done by him as Clerk of the Council." In Answer to that Part which respects the Clerk, the Lower House, in their Message of the 1st *May* 1756, said, "As you say there are several Laws in Force which require many Services to be done by Mr. *Rofs*, as Clerk of the Council; when his Account for such Services is laid before us, it shall be considered, and every reasonable Allowance made; but to make Allowances for Services, annually performed, in Compliance with Laws, without any Account of the Services even being laid before us, is a Method of dealing out the Peoples Money, we can never come into." That Part of the Message of the Upper House, which induced the Question mentioned in your Message, is in these Words, "As this Session is drawing near to a Conclusion, we have not Time to enumerate the many Services done by the Clerk of the Council, some of which cannot be unknown to you; former Assemblies have judged it to be an useful Office, and always allowed the Clerk an annual Salary in all the Journals heretofore passed the Two Houses, to the Year 1747, and never was denied him till now. Therefore, to speak plainly, which best becomes our Station, we must insist on your making him the usual Allowance, for we are determined never to give it up." On a Division of 16 to 13, the Vote passed, which you have been pleased to mention; and the Message you recite, was framed and sent in Consequence of it.

In *October* Session, 1763, after the Journal had been returned from the Upper House, the Message of the Lower House, of the 25th *November*, hath this Paragraph, "If Mr. *Rofs* will lay before us a particular Account of his Charge for Services performed by virtue of the Laws
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