

“ could not but know, there were several Laws in Force, which require many Services to be done by him as Clerk of the Council;” and the Lower House, catching at a particular Expression, (a Practice too common in this Kind of Controversy,) and evading the Reasoning in which the Expression stood, answered, that, “ as the Upper House said there were several Laws in Force, which required many Services to be done by the Clerk, when his Account for such Services should be laid before them, it should be examined, and every reasonable Allowance made; but, to make Allowances for Services annually performed, in Compliance with the Laws, without any Account, was a Method of dealing out the Peoples Money they could never come into.” To this, the Answer of the Upper House was very short and determinate; and the Question being put in the Lower House, whether Mr. Ross should be allowed as usual, it was decided Affirmatively, and a Message sent with the Journal to notify their Assent to Mr. Ross's Claim, and the general Resolve above recited. When the Upper House expressed their Surprise on Account of the Circumstance, that “ the Clerk was obliged, by several Laws in Force, to perform many Services,” their obvious Meaning was, that the Framers of those Laws must have considered the Clerk of the Council as a Constitutional Officer, with the Appointment of a Salary, otherwise they would not have been so unjust, as to enjoin him to perform any particular Duties, without giving him particular Rewards; and, after the Lower House had caught at the Expression made use of by the Upper, and endeavoured to give it a Turn very different from the real Meaning of it, but found the Upper House determined to support the Clerk's Claim, then the Lower House came to the general Resolution which they communicated to the Upper, importing, in the clearest and most general Terms, that they would allow the Clerk of the Council for all the Public Services he should perform, upon their appearing by the Exhibition of an Account. Though your Construction is extremely far fetched, and indefensible on any rational Principle, yet are we not surprized that the Success of it should be hazarded; for, in Reality, you have nothing but that Pretence, weak as it is, to excuse or palliate your Conduct, in violating the Faith of a former Lower House. Mr. Ross had always been paid a Salary by the Public; and, when the Allowance was brought to a Determination in 1756, a Compliance in future with the Resolve of the Lower House, “ that an Account should be exhibited,” was by them made the Terms on which he was afterwards to be entitled to a Recompence; and it was natural for him to expect that he should certainly be paid, if his Account of Public Services, whether required of him by any particular Law, or in the Course of his Duty, as a Constitutional Officer, would shew him to be reasonably entitled to his usual Allowance; and therefore, if there were Reasons for not allowing a Salary to the Clerk, hereafter much more conclusive than any you have offered, considering what was the Conduct of the Lower House in 1756, and their honourable Obligation arising from it we conceive that it is in no respect Justifiable, to reject Mr. Ross's Claim at this Time.

A private Gentleman who should refuse to allow an old Servant a Claim, founded as Mr. Ross's is, would have very little Reason to expect that the World should applaud him for his Prudence: And we do not perceive, that in the Conduct of Public Business, Public Credit may be supported, without paying a due Regard to the Principles of Equity and Honour, by which every private Gentleman of Reputation holds himself to be bound: But, in your present Rage against Precedents, perhaps the Reason why we consider the Proceedings of 1756 to be obligatory, may induce you to think they ought to be slighted; for your general Argument on this Head is, that no Precedent ought to be regarded, and the Opinion you have advanced from the Encouragement of some supposed former Successes attending Perseverance is no less than this, that Perseverance may accomplish every Purpose.

What may have been the Sentiments of the Writer you mention, on the Subject of Precedents, or how he applied them to his Purpose, is of very little Consequence. We do not contend, that Precedents, urged in the Support of a plainly injurious Measure, ought to be relied upon. Our Words are, “ 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 the most deliberate Acts of our Legislature, 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 ancient 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 for Ability, Integrity, and Vigilance for the Public Good.”

You do not examine our Reasoning, or expressly deny the Principle of it, but you would confront it by the Passage you have quoted, with how much Propriety, or for what Use, we leave it to their Determination who may have the Curiosity to make the Collation. To argue from the Abuse of a Thing, against all Use of it, is a Method of Reasoning not likely to have much Influence in convincing, to whatever other Purpose it may subserve, and, without entering into a minute Consideration, by what Means the Revolution, or the other important Events you have celebrated with it, have been brought about in Struggles for Justice and Liberty, Subjects on which there