

caſion will not admit of; but, if the Diſpute on the 12*d.* per Hogſhead, ſhould hereafter be revived, we ſhall be ready to lay before you what hath occurred to us on that Enquiry.

Why you inſiſt, that the Tonnage ſhould be deemed Public Money, ſubject to Account, we can't conceive. This *State* Affair we did not expect could have been revived.

The Tonnage is expreſſly granted to Lord Baltimore, and his Heirs, or Perſon by them impow- ered to receive it, and not a Syllable ſaid in the Act about the Support of Government, or any other Uſe; and this Matter having been decided expreſſly in his Lordſhip's Favour, before his Ma- jeſty in Council, in the Year 1692, if that Determination will not give you Satisfaction, it would be to little Purpoſe to refer any Diſpute to the ſame Authority. Before that Determination, there was an expreſs Order of his Maſteſty's Council, in 1690, that the Tonnage ſhould be answered to Lord Baltimore, as Proprietary of the Province, and Inſtructions to Governor Copley, the King's Governor here, to permit Lord Baltimore, or his Agents, to receive it without any Interruption; and, in Conſequence of the above Decision, an Act which had been paſſed in this Province to af- ſect his Lordſhip's Right, was Diſſented to by the Crown, and the Royal Order given, that his Lordſhip, or his Agents, ſhould receive it without Diſturbance. What you have ſaid, or can ſay on this Head, ſurely can have very little Effect towards invalidating his Lordſhip's Right to the 14*d.* a Ton; but it may not be amiſs to inform you, that your Argument, from the Circum- ſtance of the Payment of the Tonnage being made in Powder and Shot, to prove it to be a Fort- Duty, would have very little Weight, if the Matter were not abſolutely ſettled by the Determi- nation we have referred to, becauſe an Alternative is given by the Act to make the Payment in Powder and Shot, or in Money, and that when the Tonnage-Act paſſed, Powder and Shot were made Uſe of as a kind of Money in this Province, as appears by the Aſſembly Proceedings in the Year 1666, and becauſe too the original fair Record Book, now in the Council Office, expreſſly mentions it to be a Port Duty, whatever Opinion may have been taken up to the contrary, which it would be unneceſſary, as well as diſagreeable, to account for.

What you have ſaid concerning Amercements, we ſhall answer by citing the Act of Aſſembly, "All Perſons whatſoever, except Executors and Administrators, that are Caſt in any Cauſe, be they Plaintiff, or Defendant, ſhall be Amerced in the Provincial Court, 50*th* of Tobacco, to be employed as the Governor and Council ſhall think fit."

Now, we do preſume to ſay, that we, in Conjunction with his Excellency, can employ the Amercements in what Manner we pleaſe, and that no one has any Title to call for, or examine into our Application of them; and if the Words of the Act do not Prove our Right, then nothing can be proved, for a clearer Medium of Proof can't be imagined. The Fines and Forfeitures belong, we apprehend, to Lord Baltimore, for the Reaſons above applied in reſpect of the 12*d.* per Hogſhead.

And now, Gentlemen, to put an End to this tedious Meſſage, we muſt repeat it to you, that the Clerk of the Council being a neceſſary Conſtitutional Officer, ought to be paid by the Public; for his Services to the Public; that it is an incontrovertible Faſt, ~~that~~ he hath always been paid a Salary from the Public in all the Journals that have paſſed ſince the Revolution, and more libe- rally before that Period; that Mr. Roſs claims no more than he and his Predeceſſors in Office have always received; that the Services done by him are of a public Nature, and not merely relative to the private Concerns of Lord Baltimore; that you have received, what ought to be, ſatisfactory Proof that he merits his whole Claim; and that, as he ought to be paid by the Public, ſo he ought to be paid in the Journal, becauſe that has been the uſual Method of Payment, and you can't point out any other Means of his Satisfaction; and that we think ourſelves bound by all the Ties of Honour and of Duty, to ſupport the Claim of the Clerk of the Council to his uſual Salary, becauſe we are perſuaded that it is founded upon the cleareſt Principles of Juſtice and Equity, as well as confirmed by the Authority of numerous, uninterrupted, reaſonable, and the moſt expli- cit Precedents.

Signed by Order,

U. SCOTT, Cl. Up. Ho.

Which was Read, and Ordered to lie on the Table.

Daniel Dulany and John Ridout, Eſqrs. from the Upper Houſe, acquaint Mr. Speaker, that the Governor requires the Attendance of the Members of the Lower Houſe, immediately, in the Upper Houſe.

Mr. Speaker left the Chair, and (with the Reſt of the Members of the Lower Houſe) went to the Upper Houſe, where he preſented to his Excellency the Governor, the following Ingroſſed Bills, viz.

1. A Supplementary Act to the Act, entitled, *An Act relating to the Standard of English Weights and Measures.*
2. An Act for the further Enlargement of Baltimore-Town, in Baltimore County.
3. A Supplementary Act to the Act, entitled, *An Act aſcertaining what Damages ſhall be allowed upon Proſteſted Bills of Exchange.*
4. An Act to enable the Juſtices of St. Mary's County Court, to aſſeſs and levy on the Taxable Inha- bitants of St. Andrew's Pariſh, a Quantity of Tobacco, for building a Church, and for other Purpoſes therein mentioned.
5. An Act to enable the Juſtices of St. Mary's County Court, to aſſeſs and levy on the Taxable Inha- bitants of All Faith's Pariſh, a Quantity of Tobacco, and for other Purpoſes therein mentioned.
6. An Act for the Benefit of the Poor and Encouragement of Induſtry.
7. An Act for the Building a Veſtry Houſe at St. Paul's Church in Kent County.
8. An Act to Revive and Aid the Proceedings of Cecil County Court.