

cision, an Act which had been passed in this Province to affect his Lordships 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 Lordships Right to the 14<sup>d</sup> p Ton, but it may not be amiss to inform you that your Argument, from the Circumstance of the Payment of the Tonnage being made in Powder & Shot to prove it to be a Fort Duty would have very little Weight if the Matter were not absolutely settled by the Determination we have referr'd to, because an Alternative is given by the Act to make the Payment in Powder and Shot or in Money, and that when the Tonage 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 & because too, the original fair Record Book now in the Council Office expressly mentions it to be Port Duty, whatever Opinion may have been taken up to the Contrary, which it would be unnecessary as well as disagreeable to account for.

U. H. J.  
Liber No. 36  
Dec. 19

What you have said concerning the Amerciaments 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<sup>th</sup> of Tobacco to be employed as the Governor & Council shall think fit."

Now we do presume to say, that we in Conjunction with his Excellency, can apply the Amerciaments in what Manner we please, and that no One has any Right to call for or examine into Our Application of them, and if the Words of the Act do not prove it, then Nothing can be proved, for a clearer Medium of Proof can't be imagined. The Fines & Forfeitures belong, as we apprehend, to Lord Baltimore for the Reasons above applied in Respect of the 12<sup>d</sup> p 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 Fact he hath always been paid a salary by the Public, in all the Journals that have passed since the Revolution, and more liberally before that Paid, that M<sup>r</sup> 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 Tyes of Honor,

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