

1736. § 443 *cont.*]

recommended that the arrears be paid and the 60*l.* increased to 110*l.*, but a month later the Council resolved by a majority of one that the whole of Smith's account was discharged by the Act settling 60*l.* That Act ordered payment to be made in currency—an illegal currency by which one-seventh of silver payments and one-fifth of gold is lost. Smith has also been fined on several indictments for extortion, though the fees he took had been allowed by the Chief Justices for 30 years. Gov. Mathew permits the Assembly to encroach on the prerogative in the appropriation and issue of money, by clauses in temporary tax bills and in the Treasurer's bond. In 1735 a docket of the Secretary's fees—about one-half the accustomed amounts—was prepared by the Assembly and adopted by the Council. The Governor has taken the drawing and countersigning of patents and commissions from Smith and given them and the fees therefor to a private pretended secretary. The petitioners claim 1,878*l.* 2*s.* 6*d.* as due to them from the Government of Antigua. A schedule of five indictments for extortion is appended.

29 Ap. ———. Order of reference.

Received ———. Petition of W. Smith for leave to appeal against a
29 Ap. fine, and Order of reference, 21 May.

Received ———. Petition of Smith and Cust against the docket
9 Nov. of fees, and Order of reference, 24 Nov.

(a, b) Two copies of Gov. Mathew's order of 9 Feb. 1736 for enforcing the docket. One is marked in red ink—"His Majesty's 57th Instruction to Gov. Mathew is not recited because this Order is in the teeth of it."

(c) Minute of the Council of Antigua, 2 Feb. 1736, for enforcing the docket, with marginal notes by Smith. G. Thomas and G. Lucas protested.

(d) Copy of Article 54 of the Governor's instructions—about appeals.

17 March. [444.] MASSACHUSETTS BAY. *Act to exclude New Hampshire*
III. *pp. paper notes.* B. of T. report against the Act. The notes were
506-7. issued by an association of private persons, bore interest at