

much company, unless their private fortunes exclusive of their salaries, enable them to support that expence. Perhaps the *Commissary* might find it inconvenient were he not to live at, or near the seat of Government: to him, I hope, it will be thought I have allowed a general salary, more than adequate to his services and to the importance of his trust. The three great offices, of which we have been speaking, have generally been conferred on men of early fortunes; the addition thereto of the sums just mentioned ought not therefore to be deemed unworthy of a Gentleman's acceptance, especially as the duty imposed in consequence thereof, is neither very troublesome, or attended with much risk. Pray, Sir, may I be permitted to ask, how much the deputy Clerk of the Provincial Court, and the deputy Register's Office are allowed by their PRINCIPAL?

Officer. How impertinent is it to ask what you already know! if they are satisfied, who has reason to complain?

Lawyer. Be not angry, good Sir; I do not mean to offend. The deputy Clerks, I understand, take all the trouble off the Secretary's hands, save the trouble of setting his accounts with them, and with the Sheriffs; from that circumstance, I should be inclined to think, did I not know to the contrary, that they receive a third at least of his perquisites.

Officer. Do you not know that in the great offices and departments of Government in our mother country, the drudgery of business is done by deputies and under clerks for trifling stipends; yet great salaries are usually annexed to those offices, to induce men of the first dignity and abilities to accept them.

Lawyer. In a great and independent nation, that perhaps may be good policy; it has however been questioned; it has been said, that the great income settled on those offices have given Administration too great an influence: but this disquisition is foreign to the present question. You do not mean, I hope, to place the executive offices of civil government in a subordinate and dependent province on a footing with the first offices of state in the mother country?

Officer. Will you not permit me to compare small things to great?

Lawyer. I have no objection, provided you likewise compare the affluence of the mother country, with the poverty of this; the importance and dignity of its great offices with the unimportance and littleness of ours, and will then prefer a just proportion between the respective salaries in each.

Officer. If your principal offices were not lucrative, they would not be held by men of the first families and fortunes: such no doubt give a lustre and add dignity to our government.

Lawyer. Have they always been held by men of the first families and fortunes? SOME OF OUR GREAT OFFICERS indeed have in a few years, from their getting into office, acquired estates equal to the largest in the province, and from that rapid acquisition of wealth, I am led to think the offices much too lucrative. I cannot see for my part, what lustre it reflects on Government, to have men of the first families and fortunes Judges of the Land Office, Secretary and Commissary General: the true dignity of Government consists in a steady and upright Administration, not in the opulence of its executive Officers; the Roman commonwealth never acted with more dignity, than when her consuls and dictators were taken from the plough; but men closely attached to their interest, and intent upon heaping up wealth, are too apt to place all honesty, honour, and virtue in the possession of it.—I see a Gentleman coming up to us, with whom you may pursue this conversation; he is very capable of defending the conduct of the Lower House, and has borne a considerable part in it. I have urgent business on my hands; I beg therefore you will excuse my taking leave of you. (Exit Lawyer).

Officer. Curse on the rascal, I wish the Devil had him; but here comes one, with whom, perhaps, I may succeed better; a hint given out of doors, has sometimes contributed surprisingly, to bring about a good understanding between the two Houses: for political intrigue, finesse, and under hand management, there is not, I believe, my equal in the Province. (Aside)

I am glad to see you, Sir; I have long sought an opportunity of speaking to you in private on the business of this Session, now drawing to a close; if a proper temper be preserved, matters may yet be brought to a happy issue.

Member. Pray tell me how: I see no probability of that desirable event.

Officer. I know you have considerable influence in your House; try to gain a majority to pass a Bill against the LAWYERS; you should soon receive another, I promise you, from our House, was there a likelihood of its going down with yours. If you would but give up to public justice those extortioners, and plunderers of the people, we would grant you at the next Session of Assembly all you desire, and as an earnest thereof, we will consent to take 12/6 currency per 100 lb. on the old table of fees.

Member. I am not to be duped thus; I see your drift; you want to set the Lawyers and Lay Members at variance, and you hope to profit by our division, as you have already done from our want of unanimity.

I have heard of late heavy and bitter complaints against the Lawyers; but as I suspect from what cause they proceed, I doubt of their being justly grounded; that the instances of rapacity are multiplied, and much exaggerated, I make no doubt; it is easy to frame general accusations, and difficult to refute them; we should therefore be cautious, how we credit stories circulated at a particular time, to answer a particular purpose. Should some LAWYERS be rapacious, their rapaciousness will in the end hurt themselves; suitors will apply to others more moderate and conscientious; the number of practising LAWYERS is the best security against avarice and extortion in individuals of the profession; unless you will suppose a general combination among them to extort from, and to plunder their clients, a supposition too improbable to meet with the least credit. It would be exceedingly difficult, perhaps

impossible to ascertain precisely in all cases and to limit Lawyers fees so as to prevent their receiving private fees, without allowing much more on the common run of business, than ought to be allowed. A LAWYER'S practice depends on his abilities, application and industry; some causes require neither much labour, or capacity; others again touch of both; the reward should be proportioned to both. Our great offices (the COMMISSARY'S excepted) require no great share either of labour, thought, or capacity; if suffered to continue on the footing of their late establishment, they will in the end be productive of the same effect in this province, which offices combined with other causes have already produced in England, a corrupt dependency of the Lower House on Government. The day may not be distant, when not one of our great offices will be held by a native, unless in the capacity of substitute or deputy to some ministerial tool at home. Is not this, Sir, already the case in some degree? I have understood that most of our great Officers pay a saddle to the Proprietary's Secretary in London, who ought to be paid by the Proprietary, and not with money taken out of the pockets of his Officers in this government.

Officer. I perceive you are exceedingly obstinate, and deaf to reason. I have one more proposal to make, which though it should not meet with your approbation, will at least convince you, that I am not that deadly enemy to my country, I am suspected to be.

Member. I am all attention, Sir, impatient to hear your proposal; I wonder what it can be!

Officer. Suppose you was to move in your House to bring in a Bill to prevent the sale of places, and simoniacal contracts, would not such a Law be highly salutary and popular?

Member. Bless me, Sir! the motion was made three days ago, and a Bill has been accordingly brought in and passed; but though just, salutary, and popular, I fear it will miscarry in your House.

Officer. Why so? it strikes only, I suppose, at the sale of places and simony; I hope it does not go farther than that, does it?

Member. I believe it may reach the tenths paid by the County Clerks out of their gross tithes to Mr. Secretary. You cannot support the payment of those tenths to the Secretary, can you?

Officer. Undoubtedly, as the long established perquisite of his office.

Member. You must then admit that long usage will justify the receipts of monies, when the reasons, for which the payment of them was originally stipulated, no longer subsist.

Officer. This is a shrewd question; I will consider of it at my leisure, and give you an answer at some other time.—I am persuaded the country will have reason to regret your not accepting the terms, on which we have offered to pass the Inspection Law.

Member. I hope not, as they are unreasonable, I flatter myself, they never will be submitted to. If the people will but have patience and resolution, you must yield at last to just conditions; four or five men, surely, will never be able to carry their point against the united strength of a whole province: Have you any such expectation.

Officer. I have; and it is not so slightly grounded as you may imagine. We intend to put the PARSONS in the front of the battle; they shall fight for our cause, and thus become the immediate objects of contest and popular discontent. The people will be tired out with the length of the controversy; they will lose sight of us, and the whole force of their resentment will be diverted from the Officers on the Parsons; to humble whom nine tenths of the inhabitants will be glad to come into our terms; to keep up our fees to the old standard, we may perhaps sacrifice some part of the Clergy's rights.

Member. This declaration of your intentions, is not very political. Do you think the Parsons will be such dupes, as to be caught in your snares, when forewarned and cautioned against them?

Officer. I am of that opinion; a drowning man will catch at a straw; the PARSONS will readily attach themselves to those, who in appearance only espouse their interests. Men under the influence of strong passions are not very clear sighted; perhaps the PARSONS will not see thro' our artifice; should they even be told of it by their opponents, they will suspect the information proceeds from an interested policy to divide them from their friends, or dictated by the malevolence of our enemies ever willing to impute our conduct to the worst of motives.—Admitting even they should be made thoroughly sensible of our design, yet still they will probably persevere in the same measures, egged on by the desire of procrastinating the evil, and supported by the hope, that in the interim some favourable accident may divert the current of opposition, and put off the intended reduction of their stipends to a distant period: Should it then take place, it will not affect the present incumbents; clergymen are not over solicitous for, or careful of the interests of their successors, provided their own be suffered to remain unimpaired. Remember what I say, and mark the event; it will confirm my prophecy. It is now drawing near dinner time—I must leave you and break off the conversation, we may renew it on some future occasion.

#### TO THE PRINTERS.

IT having been given out, for the sake of making an unfair impression, that a certain gentleman of distinguished abilities, now retired from the bar, has declared the opinion of the lawyers, published by Mr. Paca, not to be sound law, I call upon that gentleman to give publicly his reasons for that assertion, or to retract it; and I can assure him Mr. Paca will be ready to answer him. That gentleman, from the success he practised with, may have acquired an attachment to his own opinions, which, perhaps, are sometimes as positively maintained as they were hastily adopted: should he, then, decline a full and public discussion of the question, it is to be hoped, that no

private insinuation or declaration of his, will have the least weight with the discerning people of this province; but that the published opinion will continue to be deemed, as it really is, unanswerable, till it shall be publicly answered.

AMICUS PATRIÆ.

TO THE REV. MR. JONATHAN BOUCHER.

REVEREND SIR,

I HAVE often said were I upon oath to give judgment upon the forty per poll act I should pronounce against the validity of it; that with respect to the act itself considered abstractedly from the supplementary Laws I was confident nothing could be produced in support of it; that the Clergy must rely upon the supplementary acts; that with respect to them doubts might possibly be started and difficulties raised.

You are pleased to say not long since I acknowledged that were I upon oath to give judgment upon the case I should be at a loss how to pronounce. You cannot assert this upon your own knowledge; because I never had the honour of a personal conversation with you upon the subject; you allege it upon information. I do not recollect that I ever made such an acknowledgment, but I will not contradict it, it is both possible and probable—for this reason, because I publicly own I did entertain, since my opinion, a doubt upon the retrospective operation of the supplementary laws; the sequel will account for it.

In conversation with a gentleman of the bar he said he differed from my opinion. I ask'd him upon what point, upon the original act or the supplementary Laws. He replied upon both. I told him with respect to the original act I was not very solicitous to know his reasons, but with respect to the supplementary laws I should be glad to be informed whether an instance could be pointed out of an "act void ab initio impliedly confirmed by an after act." By his reply I understood him that such a case could be produced. This I confess created a doubt upon my mind; and under this impression I might have made the acknowledgment I am charged with; and if such a case can be produced it is not the little censure of parson BOUCHER that shall prevent me from both privately and publicly declaring, that were I upon oath to give judgment upon the case I should be at a loss how to pronounce. But upon late conversation with that gentleman of the bar he candidly owned he knows of no such case, and said I had mistaken his assertion. I do not mean to insinuate that this gentleman gave you the information; he says he did not; he has too much honour to carry tales to a parson. I think I know my worthy friend who caught up the acknowledgment, if ever made, and whispered it in your ear; but unfortunately for you both the doubt was entertained upon a point that upon enquiry does not exist, and the impression is totally erased.

To boast of my opinion is unmanly and disgusting; and if to remind you that it stands unanswer'd is to boast of it, I must submit to the imputation. But, Sir, I was told that you had spoken of it and the author in the most disrespectful terms; that you had furnished yourself with law books, and had some legal knowledge; I meant to challenge you to a public discussion of the question, and give you an opportunity of exhibiting your talents.

As the matter in controversy was of a generally interesting nature, I took all the pains to inform myself as the importance of the subject required. Before I ventured to publish my opinion, I put it into the hands of Thomas Johnson, Esq; who examined it and approved of it in all its parts. I nevertheless kept it by me till the sitting of the provincial Court: When the late Attorney-general, Robert Goldsborough, Esq; came to Annapolis, I gave it to him; it lay with him eight or ten days for consideration; he was so perfectly satisfied with it, that he told me I had expressed his sentiments in every part of my argument. Convinced in my own judgment of the legality of my opinion, and encouraged by the approbation of those eminent gentlemen of the law, I then ventured to give leave that it should appear in the Gazette for the consideration of the publick.

I have reviewed the question—reconsidered my argument—and upon the firmest conviction do re-assert, My opinion is, that the assembly which met and enacted the contested forty per poll law, being called without a fresh writ of summons, was illegally and unconstitutionally convened, and that therefore no obligation can result from the said act as a law.

You dropt a hint, Sir, with respect to the history of my life in the courtly way. Invidious malice has lately propagated the falsity, and dared to publish that my opposition to the measures of government proceeded from a disappointment at court; perhaps you meant to revive the idea and adopt the assertion. I publicly affirm such an imputation is an egregious falsity, and I have a paper in my hands which will evince the fact beyond the possibility of a doubt.

As to my courtly life, I shall always pay that respect to the Supreme Magistracy which becomes an independent man; I am under no necessity to bend to the power of preferment, or to court the huzzas of a populace; and yet I glory in popularity, when founded upon a conviction of my integrity and a natural inclination to serve my country.

Foibles I have, but I hope some impressions of religion also; no ambition of the human heart can persuade me to disown my God: yet this has been charged upon me by an anonymous writer publicly in the Gazette; I abhor the charge and the villain who made it.

ANNA POLIS, Your humble servant,  
Feb. 23, 1773. WILLIAM PACA.

MESSEIERS Chase and Paca present their compliments to the Rev. Mr. Boucher, and are exceedingly sorry that their necessary attendance on the