

or compensation on the part of the State," and the same restriction is attached to each subsequent annual act, until December session, 1827, when the restrictive clause was omitted; and at December session, 1828, the salary was made permanent, *without the restriction.*

My predecessor, Mr. Pinkney, after the passage of the act of 1805, regularly received the fees allowed by that act, up to the passage of the act of 1822. I have never received any thing under the act of 1805, nor presented a claim under it, until at the recent meeting of the Council.

I forbore to present my claim under that act, not from any doubt of my right to the fees allowed by it, but for other reasons, having no connexion with my legal rights.

Under these circumstances, the Governor and Council thought it proper to have your legal opinion upon the matter.

With great respect,

I remain your's truly,

THOS. CULBRETH, Clerk  
of the Council.

JOSIAH BAYLY, Esq.,  
Attorney General,  
Cambridge.

True copy from the original upon record in the Executive Department.

THOS. CULBRETH, Clerk  
of the Council.

*Copy of a letter containing the opinion of the Attorney General.*

CAMBRIDGE, July 10, 1837.

*His Excellency the Governor,  
and His Council:*

Your honorable board has submitted to my consideration, and requested my official opinion, "whether the Clerk of the Council is entitled to the fees allowed by the act of 1805, chap. 65, sec. 50, for recording commissions of civil officers, in addition to the salary fixed by other laws?"

The act of 1805, chap. 65, sec. 50, imposes new duties on the Clerk of the Executive Council, and allows certain fees for the performance of those duties. This act is not temporary, but perpetual. The salary allowed by the annual acts from 1805 to 1822, was considered by those acts as distinct and exclusive of the fees allowed by the act of 1805, and as a compensation for the ordinary services rendered as Clerk of the Council, and not for extraordinary duties imposed on him. During the years 1812\*, 1817, 1818, 1819, 1820 and 1821, the salary was increased from \$500 to \$1000, for each year. By the act of 1822, it was increased to

\*Uncertain what figure this is.