

cles than the Amount of the Salary; or if, on the other Hand, the Articles admissible of precise Charges, should fall *short* of the Salary, to reduce it, if, upon a Consideration of the other Services, not reducible to this kind of State, the Clerk should appear, upon the Whole, to deserve of the Public the usual Salary.

The giving Notice to the Members of the Council when their Attendance is requisite, the Returns and Custody of Papers in which the Public are concerned, and the Obligation he is under of a strict Attendance, are so many Services that ought to be considered, in forming an Estimate of a suitable Salary to a Gentleman (for of that Rank he is, and ought to be,) who is appointed to the Office of Clerk of the Council. Wherefore, if your superior Penetration had enabled you to discover as many Errors in the Account you have taken so much Pains to reduce, as would have brought the whole Sum of all the Articles below the Salary, you would not have established any Conclusion against the Justice of it.

Your ingenious Insinuation, that Part of our former Message was framed before the Report of our Committee, wants the Foundation of Fact, and will probably appear so to yourselves, when you consider more sedately with what View the Account was sent to you, and of what Articles it consists.

The first Article is that of 270<sup>lb</sup> of Tobacco for Recording an Indenture of *Settlement* of the Province, between Lord *Baltimore* and others, upon which you ask, in a subsequent Part of your Message, with what Justice can he charge the Recording *Proprietary Settlements*? As you *only* mean to state the Subjects of our Dispute fairly and candidly, you will easily forgive us, when we remark, that the Article you object to, does not justify the *Implication* of your Question.

The *single Settlement*, recorded by the Clerk, is, in our Opinion, a Matter of a very General and Public Concern, respecting the Titles of many People, and was properly Recorded, that they might be apprized of the State of them; wherefore, the Service in recording it, may be truly called a Public Service.

Lord *Baltimore's* Name having been mentioned, the Circumstance seems to have been eagerly caught at; tho' we hope, now it is explained, it will give very little Countenance to the Misrepresentation we hinted at in our Message, (and to which, it seems, you are Strangers) that the Clerk of the Council's Claim arises from Services relative to his Lordship's private Concerns.

What those fundry Charges, amounting to 526<sup>lb</sup> of Tobacco, on Petitions of private Persons, are, you have not pointed out, and therefore you afford us no Opportunity to consider your Objection.

The Charge for Inspectors Commissions falls next under your Animadversion; and you ask, under what Rule in the Inspection Law, with regard to Matters of private Concern, can that Charge be supported? And, by subjoining that, if the Rule of 9<sup>lb</sup> of Tobacco by the Side, was to be adopted, those Warrants would not come to 18<sup>lb</sup> of Tobacco each, you very acutely shew in what Manner it can't be justified; but there being another Rule, which, tho' more obvious, you have happened to overlook, we must beg your Attention to that, for your Satisfaction, and the Clerk's Justification.

As the Clerk of the Council was called upon to frame an Account, the Rule he observed, and the only one he could observe, was that which is established by the Inspection Law in private Cases, of the *nearest Resemblance*. By that Act, there is a Fee given for Recording, by the Side, but there is a Fee likewise given for any Commission, or other Instrument, prepared by the Clerk to pass the Broad Seal, if for a Place of Profit; and also for every Coroner's, Ranger's, Surveyor's Commission, or *other Commission of Profit*, 150<sup>lb</sup> of Tobacco.

Now, in making out the Commission of an Inspector, the same Charge is made to the Public, as any private Person must have paid, if appointed Coroner, Ranger, Surveyor, &c. or to any other Place of Profit.

You now perceive, that, in preparing Commissions, the Clerk of the Council does not, by the Inspection Law, charge private Persons by the Side, but the Sum of 150<sup>lb</sup> of Tobacco, without Regard to the Number of Sides contained in the Commission, and this Rule he pursued in charging the Public for the Inspectors Commissions. If there is any Reason for a Distinction between a Commission and a Warrant, we do not know, nor can we discover it from your short Parenthesis.

What the Sentiments of the Legislators, who framed the Inspection Law, could they be consulted, would be, are by no Means proved by the Circumstances you mention, tho' we can easily admit, that they might not expect this Charge would ever have been made by the Clerk of the Council, because *they allowed* his *whole Claim* without *any Scruple*, and therefore did not, most probably foresee, he would ever be called upon to state a particular Account, and for that Purpose be obliged to adopt a Rule they had established in Cases of private Concern.

Your next Exception is to the Clerk's Attendance, *per Diem*, which, as we understand it, amounts to this, that there is a Charge for Attendance, and for Services done on the same Day; and therefore, that either the Attendance, or the particular Service, ought not to be charged.

Your Objection proceeds from a palpable Error: When the Clerk attends, he takes, for the most Part, only Minutes of what is to be done, and from these he afterwards draws up in Form, and for the subsequent Draughts his Charge is made.

Part of the Sum of 7448<sup>lb</sup> of Tobacco, mentioned in the Report of our Committee, and to which you object, we find, upon a more accurate Examination, ought not to have been charged.