

T. H. U. R. S. D. A. Y. TULY

tleman; WILEYAM JACOB. Upper-Mariborough, June 4. 1771. cu omers and friends in general, that he ted from London, a neat affortment of ckings, buckrams, braidings, filks add for carrying on the stay makers business, themen and ladies that please to favour heir custom, may be assured on their han ork done in the neatest manner, by

d for a small term of years; and entered

one hundred and fifty acres of land in Baltimore county, and within & few lumore-town! The foil is good and the fly calculated for farming, having every

antity of grain in the ground this fall, ing forty bushels. For further particuto the subscriber, who has also a very

m on a second floor to let, suitable for a

on the ift day of November,

June 8, 1-73

JOHN CONNER June 5, 1773. es Baxter, or William Baxter, Elq; late unty, deceased, are requested to inform bers, or either of them, of the nature and their several claims, that the same nay d and paid, fo far as the faid effates than fuch order as the law directs. The debt is l estates, are also defired to be as exec-

possible in the discharge of their several

out further notice, from JOSEPH BAXTER, THOMAS JONES, BARUCK WILLIAMS.

T away on Monday-the 17th of lak onth, a negro man, named Frank, about of age, of the common fize, has many oll trousers, and Welch cotton waitlesst, egroes generally have, and carried with y other articles of apparel that I cannot ize here; he is an artiul fellow, has been n the country, but speaks English very in-, and has lately taken upon himself the f physick, in which employment he has aconfent been countenanced by a few peois encouragement has been the means of ment. I will give 30 shilling for appre-and bringing the said negro to me, provid-aken within 20 miles of Piscataway; and it a distance above 20 miles, and within jo, re 40 shillings; and it above 30 miles, I a reward of 3 pounds, for delivering him way, in Prince-George's county, to

Elk-Ridge Landing, June 5, 1773-ld at publick auction the first Saturday in t, if fair, if not, the first fair Saturday afr sterling cash; good London bills of exor current money,

house and lot where Joshua Corsey now ves There are on the lot, a good dwelling-8 feet by 28, 2 flory high, with an addition ad, 16 by 28, 5 rooms on a floor, with a hrough; the house quite new, a good celrit, 28 by 28, a good kitchen with a brick and a covered pallage from the dwellingthe kitchen, 24 by 10, a good smokend stable, oven and oven house, a good we'll paled, and the posts all locust and cogood well with a pump in it; the whole imnis new and in good order; an excellent or publick or private life. There is one one quarter of ground to the lot, which is

rent of three guineas per year for ninetyirs, and renewable for ever. by
JOSHUA DORSEY.
Will be rented after the day proposed for
not fold: also a billiard table to be sold.

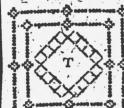
Chefter-Town, May 2, 1778-T from the ftern of a finall schooner, of arren Island, on Wednesslay the 19th instant, new pine canoe, thirty feet long, pit ja board quarter by laying in the fun, which newly caulked and pay'd with pitch, and iron clamps to keep it together; the had as vo fathom of new rope fattened to her bow oars and one paddle underneath the thwarts. er takes up faid canoe and brings her to the er, or lodges her with Mr. M. Hard at Anshall have a reward of twenty shillings.
WILLIAM GEDDIS.

ERE is at the ferry of Thomas Add fin. dark bay gelding, about 14 hands higher on the near thoulder I Pojoined together, ace, and a faddle spot on his withers, how The owner may have him again, proving y and paying charges.

VIIXIIXIIXIIXIIXIIXIIXIIXIIXIIXIIX EEN and SON

" Though our kings can do no wrong, and though they tion. preferiber, their ministers may. They are an-" fwerable for the administration of the government, et each yor bis particular party and the printe or fole or minister, noten there bappens to be one for the whole : is be is the more for and the more juffly, if he bath afof felled to render bimself so, by asserting on his sellows, by weiggling, intriguing, whilpering, and have gaining bimself into this dangerous post, to which be was not called by the general suffrage, nor perhaps, by the deliberate choice of his master himself."

Dedication to the differtation upon parties.



Ammand HE noble author of the differtation upon parties begins his fourth letter with the following fentiment taken from Cicero's treatife on the nature of the gods—" Balbus, when the " is about to prove the exist es ence of a supreme heine, , on makes this observation; (opi-

" nionum commenta delet dies, naturæ autem judicia confirmat): Groundiess " opinions are destroyed, but rational judg nents, or the judgments of nature, are confirmed by tim . The observation may be applied to a variety of instances, in which the sophistry and ingenuity of man have been employed to confound common fenie, and to puzzle the understanding, in order to establish opi-nions suited to the views of interest, or of power, An examination of Antilon's arguments, and an-swers to mine, will show how forcibly the judicious

remark of Balbus applies to the degal subtleties and metaphysical reasoning of my adversary. I shall take his arguments and his adswers nearly in the order they

occur in his lak paper.

The revival of the governor's authority to regulate the fees of officers, on the expiration of the inspection law, is admitted; provided that authority had a legal existence; but the legality of the authority is denied; for, whether it be legal or not, is the very matter in debate. The offices being old and conflictions, " and supported by incidental fees, the right to re" ceive futb fees is old and constitutional," and therefore my adversary would infer, that the fees settled by proclamation are old and constitutional.

This inference does not follow from the premifes notwithstanding the crafty infertion of the word fuch. The offices being slip, the right to receive fees may be old; but the quality recurs, what fees? of whom, where refides the suthority of fixing the rates? for, fixed they must be, by fome authority. That they may be fixed by the legislature, is admitted on all sides. Thousand the different being the legislature. fides; should the different branches of the legislature difagree about the fettlement, what authority most then interpole, and fettle the rates hitherto unafcertained ? Antilon contends that in fuch cale, the inpreme magittrate, or the judges acting under an authority delegated from him, may fettle them. If this doctrine be constitutional, what fecurity have we against the imposition of excessive fees ? Does it not give a discretionary power to the governor of making what provision he may think proper for his officers, and of rendering them independent of the people? When a fervice is performed, the performer is clearly intitled to fome recompence, but whether he is to receive that recompence from the person served, or from another, may he a matter of doubt, the quantum of the recompence may not be afcertained, either by con tract, by usage, or by law; and then in case of a dil-

pute, mult be fetiled by the verdict of a jury.

If the authority to regulate the fees of officers by proclamation be illegal, the proclamation can prevent the extortion of officers only by operating on their fears of the governor's diffleature, and of a removal from office; "But if the proclamation had not iffued the problem in the contractor of the governor's from taking albertor greater. ** prohibiting the officers from taking older, or greater fees than allowed by the late infection all, then would the officers have had it in their power to have

to demand most excessive feer; but under what obligation were the people to comply with their exorbitant demands?

Suppose a person should carry a deed to be recorded in the provincial office of the clerk refuses to recorded in the provincial office of the clerk refuses to record it, unless the party will pay him fifty guineas; must be submit to this unreasonable exaction, or run the risk of losing his property by suffering his title to remain incompleat? To avoid that danger, the mioney is paid; will he not be intitled to recover of the officer by the verdes of the officer by the verdict of a jury, what they might think above the real value of the tervice to refulering his title to semain incompleat, might he not fue, the officer for damager, first tendering a realonable fee adequate to the trouble, and expence of, recording the deed? Anwer, Antilon, without equivocation, yet or no. If the officer might be indicted for extornor, what benefit could the people expect from fuch a profecution, when the power of granting a noli protequi's confelledly veiled in the government? The present regula-

ment, from the people, the officer being left to his legal remedy. There is not, it is frue, any immediate, enforcement of payment, unless indeed the officer should refule to do the fervice, if not paid his fee, at the very inftant of performing the fervice, which as I formerly remarked, would be in most instances an effectual method of enforcing paymenter

Suppose the officer should not wist on an immediate payment, and that his account of free should be conreflect he brings an action to recover his fees, acto whole decision is this questi neto be left ? To the judges? or to'a jury? If to the former, and they should be of opinion, that the governor has a right to regulate fees by preclamation, when there is no prior establishment by law, and the defendant should refuse to fubmit to the fentence of the court, he will be com-mitted to jail, or the fum will be levied by execution of his effects; diffrefs; though delayed for some time, will furly overtake him in the end. Some of the judges discover a difinclination to remain in office; they folic't a removal; granted, and approved of; ohave cause to suspect the rectified of applications made to men, who have publickly declared their opinion of the legality of the measure, attempted to be enforced by the sanction of the courts of justice?

Other methods may be employed to enforce the pro-clamation. The frowns of government will awe the timid into a complianced the necofficus cannot withstand the force of temutation, or the threats of power; the disobedient, and refractory must relinquish all hopes of promotion, or of promoting their friends; will have favours to ask at court, must merit court-favour by setting examples of duty, and submission.

It has been alleged that fees are taxes; to prove the affection, the authority of Coke, and reasons grounded on the general principles of the conflictation have been produced: mark, how Autiton has endeavoured to get over the authority, and confute the reasons. One of the great objections to the proglamation is, that it impoles a tax on the people, and confiquently is competent to the legislature only. Actilon contends, that fees are improperly fliled taxes, becausethey have been feciled by the separate branches of the legislature, which only can impose a tax. I have already exposed the fophistry of this argument, I hope, to the fatiffaction of the unprejudiced; some farther elucidation however, may be necessary to men my thoroughly convenient with the subject. The lords and commons, and the upper and lower howers of allembly have each separately lettled the fees of their respective officers by the particular usage of puliament, which must be deemed an exception to he general law, and ought, as all exceptions, to be sparing y exercised, and in fuch cafes, and in fuch manner only, as the ulage will first y warrant. It was foreign to my purpose to inquire into this afage, cuftom, or law of parliament, to inveitigate its origin, or to examine its confitutionality. On an inquiry, it would perhaps be found co-eval with parliaments. But do you, Antilon, admit the right of the lower house to rate the fees of its officers? If you do not admit the right, to argue from the mere exercise of it, is certainly unfair in you Youkill infift, that I have admitted the right of the judges to fertie the fers of office a attendant on their courts; be p'e-fed to turn to the passage in my answer to your first paper, part of which you have cited, and then be canded enough to acknowledge, if you have not wilfely mifrepresented, that you have mistaken my

meaning.
The mojor proposition, that taxes cannot be laid, but by the legislature, I have admitted with this exceptioi , " faring in facbicafes, &c."

It was not meumbent of me to prove the exception, it is sifficiently proved by the journals of parliament; the right, or the sequer, if you like that word better, has been frequently exercised, whether conflictations. ally, or not, is another question. The two houses of parliament are the lole judges of their dwn privileges, with which I shall take care not to intermeddle. Inours the most perfect, which was ever established, ime may be found.

A partial deviation from a clear and fundamental miscie of the confliction cannot invalidate that maxim. To explain my meaning. It is a fertled principle of the British constitution, that taxes must be laid by the whole legislature, yet in one instance, perhaps in more, the principle hath been violated. The separate branches of the legislature have fertled the fees of their own officers. -Antiton-has inferred from that excepown olicers. Antion has inferred from that exception to the general sule, or maxim, which exception should be considered as the peculiar privilege of parliament, "that sees are not taxes. He has admitted, (if I comprehend his meaning) that sees are sometimes taxes, that is, when imposed by the legislature; but when regulated by the ludges they come not within

the legal definition of a tax. Thus the tees regulated by the lafe inspection law were taxen the same fees now attempted to be establifhed Up moglamation ceale to be faxes becaule regilated hyan authority dillinet frim the legilative; but are their nature and effects altered by thele twe

different modes of letthment? frould an act of parlia ment pals' for the payment of the identical fees, laid to be pald to officers, under the fole authority of the according to Aution's doct ing, the fees thus established by act would become initiative taxes; but are they less apprellive, because fattled by the diffiation of the judges? I prefume to think them more oppreffive, hecause of a more dangerous tendency, particularly if on a difagreement between the branches of the legislature, that authority may interpole, and cita-blish the very fees, and along with them a variety of abuses, which the representatives of the people with to have reformed. The judges are not governed by the law of parliament, they have no authority to at tax the subject, but their allowance of fees to their proceeding officers is lawful of aucient fees de-mitted. I had observed—"It does not appear that the judges have ever imposed new fees by their fale authoris " the fees when originally allowed were new, and the allowance being made by the judges therefore they originally slowed new fees, and if fees were originally taxes when new, they have not ceased to be taxes in confequence of the frequent repetition of " the acts of payment and receipt, and of their having obtained the denomination antient fees"-It, will be proper to remind Antilon of another oufervation. which I made in my former papers on this very fuboriginally paid all bis efficers out 'of his own revenue; the subject was not taxed to support the civil estabiith ment; in extraordinary emergencies, as foreign, or civil wars, tenths, fifteenths, and other imp fittens were granted by the commons in parliament to defray

extraordinary expences.
It was consistent with the principles of the constitution, and agreeable to justice, that the Kirg who paid all bis officers out of his own purse, should have the right of ascertaining their falaries, or of delegating-

that right to his judges. The antient fees to often fp ken of, were those perhaps, which the King formerly paid, and were feitled. by the judges. I fay rerhaps, for in a matter so ob-fcure, it would be rash to prenounce decilively. If I am right in this conjecture, antient fees were not originally taxes, because not paid originally by the propile. Ancient usage according to Bacon gives see the equal fanction with an act of parliament; upon this principle I apprehend, that such sees are presumed to have been originally attablished by the proper authority, although their commencement and the authority. rity, although their commencement and the authority. which impoted them at this day be unknown-" At common law, none of the king's officer, woofe "offices did any way concern the administration of infice, could take any reward for doing their effice, but what they received of the king"— These words are sufficiently comprehensive to take in all the inferior ministers and officers of the courts of justice. The fee of 20, commonly carled the bar fee-was an antient fee, lays Coke taken time out of mind by the the fleriff-of every prisoner acquitt direction; and therefore according to the above principle laid down by Bacon, acquired an equil fauction with fees established by tax-is an office erected for the publick good, though no fee is annexed to it, is a good office, and the party for the labour and mins, which he takes in executing it, may maritain a quantum meruit, if nor as a fee, yet as competent re-" compence for his trouble" This clearly relates to an office newly erected; but what follows feems to include. The unfettled fees of all offices new and old. " Where a person was libelled in the eccletiastical court for fees, upon motion, a prohibition was grantedis no court bas a power to effablifb fees; the juige of the court may think them reasonable, but this is not them reasonable, then they become established jees -probably the fees, which now go under the denomination, antient fees, and not expectly given by act of partiament, were originally ettablished by the verdict of a ury, and their having been long allowed by the courts of justice, may be deemed prefumptive evidence of fucli establishment. The method of reforming abuses in the courts of justice by the presentment of experienced practicers upon oath, appointed by the judges, to enquire what fees had been exacts, other than to the antient and usual fees, leems to favour this con-

jecture...

is In the year 1743 an order was made in chanis cery by Lord Hardwicke reciting, that the king as upon the address of the commons, had iffued his commission for making a diligent and particular furties very and view of all officers of the faid court, and inquiring what fees, and wages every of those second officers might, and ought lawfulls to have in respect the fully increached, and imposed upon the subject. of their uffices, and what had of late time been ine fulfilly incroached, and imposed upon the subject of &c. — Then are added — continues Antilon, it tables of fees of the sespective officers and among the lees settled by this order are the sees of the making the lettlement. How is this transcription in making the settlement. How is this transcription to be reconciled with the define of Hawking. that the courts of juffice are not reffrained from al-