

U. H. J.  
Liber No. 36  
Nov. 26

If however in any Case Orders are improperly Charged, let the Old Table be Corrected so as to prevent such Charge in future.

We presume that no Service was directed by the Old Table for which some Reward was not intended, especially when to the Description of the Service a Reward is expressly annexed; but if the Service be supposed to Consist of distinct parts and a Reward be generally annexed, either this Sum must be due or Nothing for there is no Rule of Apportionment.

Ex: gra: The old Table gave the Secretary 7 lbs of Tobacco per side for filing and recording every Declaration and other Pleadings. If the term recording, necessarily means transcribing into a large  
p. 590 Book which we conceive it does not, either the 7 lbs of Tobacco are due for filing or nothing. If nothing be due, then on Actions Agreed abated or discontinued, however various, and Prolix the Pleadings if the Proceedings have not been transcribed, the Officer was entitled to Nothing. In the new Table, the Return is added to almost every returnable process. In the Case of Audita Querela, 87<sup>lbs</sup> of Tobacco are given. On the Principle above Suggested, either the Reward of 87<sup>lbs</sup> of Tobacco would be due for the Service of Issuing the Process, or nothing would be due for it without a return because there is no applicable Rule of Apportionment.

If however on a just Construction of the Old Table, and on a proper Consideration of the general Allowance, and Usage as far as the Matter may be traced, it should appear that the Secretary and County Clerks have Charged for Recording where they should not, the Instances in which the improper Charges have been made being ascertained, we are willing such may be guarded against in future by Corrections or new descriptions, and these too are our Sentiments in respect of the Examiner General and the Surveyors.

We have already declared why we think the Old Table is primarily to be considered, and discover no reason for altering our Opinion, in what you have last said. So far as a Reduction may be intended, we shall not agree to the New Table. So far as Explanations or Corrections of the Old may be proper, we are willing to Examine the New Table and to adopt such parts of it as may Answer this Design, and for this purpose to take both the Old and new under Consideration.

The Conferees Adjourn until to Morrow Afternoon 4 oClock

Thursday Afternoon 14.<sup>th</sup> of November 1771.

p. 591 The Conferees met according to Adjournment

Present as Yesterday and M.<sup>r</sup> Chase of the Lower House

The Conferees Adjourn until to Morrow Afternoon 4 oClock