

issued forth of his Office for which noe ffees had as yet been Lib. H. D.
Setled by Law, therefore desired some settlem^t of the Same
by this Board:—Ordered that it be Referred to M^t Attorney
and Solicito^r Gen^l and his Ma^{ts} Counsell at Law to Consult
the s^d Cases and Return their Opinion thereon unto this
Board with all convenient Speed.

The which came Reported as followes, Viz^t.

The Report
of his Ma^{ts}
Councill at
Law upon Sr
Thomas's
motion In Obedience to yo^r Ex^{ncys} Commands relating to
the hon^{rb}le his Ma^{ts} Secry. S^r Thomas Laurence We
humbly Offer that his Hon^r has been pleased to lay
before Us a Catalogue of such ffees as he Conceives
are not Setled by the Act of Assembly which we have hereunto
Annexed, many of w^{ch} ffees are already setled in the s^d Act of
Assembly which we have put ffirst in the paper, and those
that are not ascertain'd We have placed them afterwards in
the Catalogue with such ffees as we Conceive most agreeable
in the Law to be Annex't to them, if yo^r Ex^{ncy} see fit (to wit)
Writs of Habere facias possessionem, procedendo, Restitution,
Venditioni Exponas & Replevin We take to be of the
Nature of Executions; the Law having allowed 28: for an
Execution, We Conceive the same may be allowed on these.

Dedimus potestatem to Examine Wittnesses, habeas Cor-
pus and Certiorari Commission to Audito^{rs} Elegit and Warrant
of Resurvey being of a larger Extent than the other and in
the Nature of Instrum^{ts} under the Seal which the Law allowes p. 430
50 for.

We Conceive the same ffees may be allowed on these.

A Writ of Diminution We take to be in the Nature of a
common Capias and therefore the same ffees allowable for
them.

As to ffees in Criminall Cases or where the King is Con-
cern'd the Act hath made provission by Ordaining that the
same ffees shall be taken as in Tobacco at one penny p pound;
and in Cases where the King proceeds by Action and Re-
covers or by Indictm^t and Convicts the Defend^t there we
conceive the Def^t ought to pay the fees, but where it appears
that a party has done no Wronge in Criminall Matters or
owes not the debts Claim'd by the King in Civill Cases there
we Conceive the party ought not to pay ffees to the Secretary
more than to the Sherriff that Executes the Process issuing
from the Secretary and the Law hath Ordained that in such
Cases the Sherriff shall not Exact or Require any ffees for
Executing such process, but shall do and perform the same
ex Officio and so we Conceive the Secretary ought untill that