

has been the object, Disputes have arisen; but Experience has proved too, that from the Year 1747 to 1770 the Difficulties on this Subject have not been so great, but means have been found to obviate them.

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

We presume the two Houses in the Year 1745 bestowed due Attention on the Business they undertook; but we cant imagine that afterwards in the Year 1747, the Legislature well acquainted as they must necessarily have been with the Merits of the Bill of 1745 bestowed less Attention, and had less discernment, or experience than their predecessors, or that the Legislators who at several periods Continued the Act of 1747 and were fully apprized of its Effects, were negligent of the Publick Welfare, and inattentive to their Duty.

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Why a Bill agreed upon by the two Houses in 1745, and Dissented to by a Governor, whatever might be the Motive of his Conduct, should be esteemed of higher Authority than a Subsequent Law repeatedly continued, as we have not hinted so it is not our Province to explain. No Detail, how Minute soever, can invalidate the Fact, that the Old Table of Fees received the frequent Sanctions we have referred to, and we must think that no Argument or Illustration, after the Repetition of so many Solemn Sanctions, can be necessary, or proper to evince the Opinion of the Legislature to have long been, that the Old Table of Fees as it stood when the late Inspection Act fell was well adapted to its Purposes. By what other Criterion can we so safely judge of the Opinion and Sentiments of Lawmakers as by the Laws they themselves have ordained.

What might be the Intention of the Lower House in 1769 when they continued the Inspection Act, we were not informed: for no such Intention as you have intimated was declared or notified to us; and diffusive as you may suppose the proof to have been of your Intention to reform Abuses, or reduce Exorbitancy, we suspected none other than what was inferred from the Supplemental Bill to the Inspection Act sent to us in the same Session, by which according to our Recollection the Alternative was proposed.

By the Scheme of the Bill of 1745 the Commissary General was to Charge no Fees when the Services should be performed by the Deputies; but it was no part of it, that there should be an Enlargement of the Jurisdiction of the Deputies from £50 to £150. The Inspection Act made no Provision against the Charge of the Commissary General, in the above Instance but enlarged the Jurisdiction of the Deputies to the Extent of £150; no Argument can be drawn from the Rejected Bill to prove a Charge under the Act of 1747 to be an Abuse; but the Rejected Bill may be material in another view. It shews what was the Construction of, and the usage under the Act of 1715, and the Provision being omitted in the Inspection Act shews what the Legislature in 1747 intended should

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