

E. T. E.

your Sense of these Particulars. It appears to you to be expedient, we from the Conference which we pro-

JOHN DUCKETT, CL. Ho.

L. Y., 20th November, 1770.

We were willing to concur with you Provisions of the old Regulation of covered. Complaint of Abuses, or Pretence of Abuses, we were of Course to be examined the old Regulation; you our Opinion on the Subject; but are pleased to say, that you do not

and apprehended it would be our sized of, and examined your Proofs, old Regulation, and deliberated on all no Abuses, but in the recital of your Meaning, we did not apprehend you were to be produced, and become the

ould have been properly under Confir- to effectuate the Passage of the Law; proposed them, are of a very extraor- spirit of our Constitution. The Re- however assertive in Opinion, and ve- be promulgated, to direct or influence and Judges ought there to give their er has been guilty of Extortion, is a to prejudicate; but that our Declara- Degree, this Effect, can hardly be on would be the more improper, the e to anticipate Questions, before they and hear afterwards.

ies, Examiner, and Surveyors, or any justify, and the Provisions of it really ent, a competent Remedy might easily e the Liberty to remark, that whatever we have very great Reason to suspect, y) aimed at in your Questions, cannot

re a Law expressly regulates and ascer- observed: A Principle which regards lly extends to all; and if there be any s from the Circumstance, that, in such than in other. The Officer, without trictions provided to controul his Con- yet there are favourable Opportunities The Service is done on Credit, the illegal it may be refused, and contested. carest Terms, is prohibited from asking than is thereby established. On the of this Law. He, moreover, has it in , before the Business is undertaken, to than the Officer to extort and oppress, them, it ought rather to be in binding ough you cannot deny the Existence of the

the Law, which lays these Restrictions, on the Lawyers, yet you are of Opinion that he, with more Power to oppress, ought not to be strictly bound as the Officer, who has less, because you suppose we proposed the Amendment to your Bill, intituled, "An Act to ease the Inhabitants of the Province in the Payment of Attorneys Fees" with a View to destroy those of the Profession who have conspired with others in opposing the Encroachments of Power. If an Objection of the Law would be really so mischievous as to destroy these Gentlemen, it ought to be repealed or rendered less rigorous; but a Law which intends to bring Destruction upon the Objects of it, without their Fault, is cruel indeed; and a Law that ought not to be observed, is extremely injudicious, and therefore ought to be abrogated, and especially at the Example, in Violations of it, may have a bad Effect upon the Manners of the People, who may thereby be induced to think, that they may do as they please, and in the Observance to be injurious to their Interests.

The Exorbitancy of the Profits of the Officers will appear, from the published Lists, to be very great indeed; to those who are unacquainted with the Deductions therefrom. They may be assisted with, or form very alarming Estimates from them; but we have precisely proposed, that in Lieu of all other Profits, Advantages and Emoluments; there may be allowed to the Secretary, Comptroller-General, and Judges of the Land-Office, an annual Income of £. 600 Sterling; but this you have rejected. If this Income would fall short of the Profits which arose from the old Regulation, why not, as good Stewards, secure, or so far as Opportunity, the Overplus for the publick Use? This, we must do you the Justice to say, you would not decline if a Saving was expected; but you think the £. 600 per Annum too much; we think otherwise, and you are apprehensive there would not be the same Diligence in advancing the Interest of the Publick as there is now employed for the Benefit of the Officers.

Extortion or Oppression you would not desire, and if Officers commit the Crime because they gain by it, the Plan is strongly recommended, by the very Circumstance, that it would take away all Temptation to extort or oppress; but surely there can be very little Ground to imagine, that Business, on Application, would be refused to be done by Persons accountable to the Assembly, as well as to the Parties applying; that Fees would not be charged for Services, when Negligence would be liable to so easy Detection, and to so severe Animadversion; or that Sheriffs would be less regular in their Collections and Returns, when their Accounts would be subject to the Review of so many Gentlemen, best acquainted with the People, in every County of the Province. No Alternative, as you have suggested, given by the Act of 1747 to the Planters, was intended to be taken from them, but a new one was offered, which that Act did not give, and the Planter would, moreover, have had an Opportunity of discharging Fees, at the Rate of 12/6 per 100 lb. of Tobacco by an immediate Payment, which he might easily make. The principal Services he would have Occasion for, might be rated as soon as performed, and the incidental Charges arising on Court Proceedings would not be payable till done, and when done, would be as easily rated as any other, and as easily in this Province as in any Place where a similar Rule obtains. The Points between us at present do not depend on the Proposals made in the last, but on those made in this Session, and therefore it is not now very material to consider what would have been the Effect of the old Proposals, if adopted, since they have been superseded by new ones; yet the Attention due to your last Message would not allow us altogether to pass over, without Notice, the former Proceedings.

On what Reasons the Governor was advised, or thought proper to prorogue the Assembly lately, we are not at large to inform you; but they were such, as we are persuaded can be fully sustained on the Principles of our Constitution.

The Points between us in this Session are, whether our Staple shall be under the Regulation, from which so great Benefits have been incontestably derived, for a Course of Twenty-three Years, to this Province, and to the neighbouring one for a much longer Period; whether there shall be provided a convenient Method of complying with an Act of Parliament founded most probably upon the Inspection Act; whether the Fees of Officers and Lawyers shall be payable in Tobacco or Money, at the Rate of 12/6 per 100 lb., at the Choice of the People, as may best suit their Circumstances, and the Poll-Tax in Tobacco or Money, at the same Rate, with the small Addition of 2/6 per Poll, in Case of Money Payments; whether the old Regulation, originally established on much Deliberation, and continued by so many different Assemblies, shall stand, except in such Instances wherein Abuses are justly chargeable to its Defects; in Respect of which, on their being properly and regularly pointed out on a Conference, we have repeatedly expressed our willingness to join you in explaining, correcting, altering or enforcing the Provisions. We have most clearly and expressly declared our Desire that a Law might pass for the above Purposes; unhappily, we fear, for the Province, you differ with us in Opinion, and therefore we have returned your Bill with a Negative, extremely sorry that the Time taken up has been productive of so great Expence and so little Advantage to the Country.

Signed by Order,

U. SCOTT, Cl. Up. Ho.

Mediteranean, amounts to Sixty-seven Ships of the Line, besides Frigates, &c. Lord North pledged his Word in a certain Place some Time since, that we should have no War for Ten Years. Great-Britain will shortly have Seventy Ships of the Line in actual Service, including the Fleets now getting ready. It is affirmed that some Gentlemen belonging to the Bill of Rights, are determined to try the Validity of Press Warrants. Letters now in Town assure, that Dispatches have been received by the French Court from the Ottoman Porte, wherein the King of France is most earnestly entreated to afford them Succour, for which, Subsidy, and an Extension of Trade, is offered. We have it from good Authority, that a Treaty of great Importance is upon the Point of being concluded

which prevailed there, of an intended Rupture with England; and that they every Hour expected a Declaration of War to be made there. Extract of a Letter from Warsaw, August, 10. Advice has been received at Lemberg, that Gen. Tottleben had gained a complete Victory over the Turks, commanded by 4 Bakhaws in Armenia, the Consequence of which was the taking of Erzerum. The Turks lost upon this Occasion 6000 Men, 15 Pieces of Cannon, several Staffs of Command, Horses Tails, and a great Number of Tents. Extract of a Letter from Paris, dated September 6. Our Situation becomes every Day more critical. The Laws are trampled under Foot, and we are at the Point of seeing ourselves in a worse Condition than the Turks of the Russians, with this Difference, that they

and that of this Country is keeps the People in Awe, Trade declines, our Fick Credit lost, the People of the Farmers of the atal Constitutions are over- the Scourge of divided execute their own Schemes er; we are oppressed by an State, who was formerly and who now is the Cause subvert the Order of the War not only among King and the Princes of gistrates. The respectable ders and Supporters of the ated in Places of Confine- is, and sacrificed to a vile Great Pains are taken to naturally of a good Dispo- formed of the State of this at People are disgraced, rafter, only, are loaded very Thing is given up is capable of inventing ession, and Debauchery, in present Situation, dis- about Exaggeration." Dublin, September 11. ness and ill Designs of e daily Attempts which uce the few honest Men r Country. A few Days nber for Wexford (who 53) was applied to by a considerable Sum of ument, which he has Lord Townsend made t if he would join the in Employment, which Lordship's Praise;) and was due to him by Go- Jones spiritedly answer- ed, and despised the Mo- How is a Man to come d to give up his Coun- b is his own? In order making here, in order to be called Com- irst Commissioner is to her Five cool, a Year issioner was intended : Commissioners are to v. very faithfully and Clerks of the Custom- ty well paid at 200l.

November 19. ither, was chased by a Shot at him. ell, junr. Esq; of this Commissioner of his George Meserve, Esq; ollector for the Port llowell, Esq; Deputy mptroller for the Port Hampshire, dated last who arrived at Casco in Lat. 38, Long. 69. ts with Capt. Steven- mouth to Cape-Fear, when he left England, ed every Day against did not doubt, but ort it took Place: affage, he was chated Man of War, but ere that this may ould make Business umber, Cash plentiful, and perhaps put an End to our Disputes both in England and America. A Gentleman arrived at New-York, by Philadel- phia, from Jamaica, informs, That the Plague was broke out in the Island of Hispaniola. PHILADELPHIA, November 23. Thursday last arrived here the Ship Warwick, Capt. Davidson, from Bristol, which he left the 3d of October in Company with the Brig Concord, Capt. Volans, for this Port; on his Passage the 13th of October, in Lat. 42, 43, Long. 26, 42, spoke the Ship Polly, Capt. Kelly, from Maryland for London; our Four Weeks and short of Provisions; Capt. Davidson spared him a Barrel of Beef, otherwise all well. And on the 15th of October in Lat. 40, 28, Long. 28, 46, spoke the Ship Friendship, Capt. Wilton, from Black River, in the Bay of Honduras; for London; 11 Weeks out, Capt. Wilton sick and in want of several Necessaries, which Capt. Davidson spared him.

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