

The House proceeded to tax the following private Bill, viz.

The Bill, entitled, *An Act to enable Nicholas Rogers, an Infant, to demise the real Estate therein mentioned.*

To the honourable Speaker,	£. 4 0 0
To the Clerk.	2 0 0

The Bill, entitled, *An Act to divide All-Saints Parish, in Frederick County, and to erect Two new Parishes, by the Names of Eden Parish and Frederick Parish,* was read, with the Amendments proposed by the Upper House, and passed for engrossing.

George Steuart, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Regulation of Officers Fees*; thus endorsed: "By the Upper House of Assembly, November 6, 1770: Read the First Time and ordered to lie on the Table.

Signed by Order,

U. SCOTT, Cl. Up. Ho."

And thus: "By the Upper House of Assembly, November 20, 1770: Read the Second Time and will not pass.

Signed by Order,

U. SCOTT, Cl. Up. Ho."

Also the following Message, viz.

By the UPPER HOUSE of ASSEMBLY, 20th of November 1770.

GENTLEMEN,

WE have declared in the most explicit Terms, that we were willing to concur with you, in explaining, correcting, altering or enforcing the Provisions of the old Regulation of Fees, in every Instance wherein real Defects have been discovered.

This we thought was a sufficient Answer to your general Complaint of Abuses, or "Pre- tences you esteemed to be Abuses." What you esteemed to be Abuses we were of Course to be informed of by yourselves. If a Conference had taken Place, it would have been our Part to have received your Information, considered your Evidence, examined the old Regulation, weighed your Reasons, and formed and communicated to you our Opinion on the Subject; but instead of pursuing the Matter in this regular Train, you are pleased to say, that you do not clearly comprehend what we call Abuses, and are of Opinion we are unacquainted with what you deem such, when we merely repeated, in your own Language, that we should be ready to join you in correcting the Practices you esteemed to be Abuses, if they should appear to us in the same Light. What you might think to be Abuses we could not divine, and apprehend it would be our proper Time to judge thereof, after we had been fully apprised of and examined your Proofs, considered accurately the alleged defective Parts of the old Regulation, and deliberated on all the Information you could give us. We have referred to no Abuses but in the Recital of your own Expressions; and presuming you understand your own Meaning, we did not apprehend you could be at a Loss in ascertaining what Charges of Abuses were to be produced and become the Subject of Conference.

As to the Matter contained in your Questions, they would have been properly under Consideration if a Conference had been agreed upon, in order to effectuate the Passage of the Law; but permit us to observe, that the Questions, as you have proposed them, are of a very extraordinary Nature, and of a Tendency inconsistent with the Spirit of our Constitution.

The Resolves or Declarations of one or both Houses of Assembly, however assertive in Opinion and vehement in Expression, are not Laws, nor ought they to be promulgated to direct or influence the Determination of the appointed legal Courts. Juries and Judges ought there to give their Decisions without Prejudice and Bias. Whether any Officer has been guilty of Extortion is a Question which neither your nor our ~~Deliberation~~ ought to prejudicate, but that our Declarations held out to the Publick would have, in no small Degree, this Effect, can hardly be doubted, and on our Part, particularly, such a Declaration would be the more improper, the last legal Appeal in this Province being to us: It would be to anticipate Questions before they come to us through their regular Channel, to decide first and hear afterwards.

Declar

If the Commissary-General, Secretary, Clerks of Counties, Examiner and Surveyors, or any of them, have charged Fees the old Regulation does not justify, and the Provisions of it really require Explanation, Correction, Alteration or Enforcement, a competent Remedy might easily have been introduced on a Conference; but we must take the Liberty to remark, that whatever your Informations and Enquiries and Opinions may be, we have very great Reason to suspect that the Representation (let the Design of it be what it may) aimed at in your Questions, cannot be maintained on just and legal Grounds.

The Principle you advance is certainly true, that where a Law expressly regulates and ascertains the Reward to be paid for a Service, it ought to be observed: A Principle which regards not Persons, their Callings or their Professions, but equally extends to all. And if there be any Reason for Enforcements in particular Instances, it results from the Circumstance, that in such Instances the Power to extort and oppress is less resistable than in other. The Officer, without Doubt, ought to be held to a strict Observance of the Restrictions provided to controul his Conduct: If he does not observe them he is punishable; but yet there are favourable Opportunities given, by which Oppression in this Case may be avoided. The Service is done on Credit: The Fee for it must be stated in Writing: If the Demand be illegal, it may be refused and contested. The Lawyer, by an Act of Assembly expressed in the clearest Terms, is prohibited

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