

from asking for, demanding, receiving, or taking any greater Fee than is thereby established. On the above Principle he ought to be held to an Observance of this Law. He, moreover, has it in his Power to oblige the Person who wants his Assistance, before the Business is undertaken, to pay his Demand. Hence he has it more in his Power than the Officer to extort and oppress; and therefore, if a Difference should be made between them, it ought rather to be in binding the Lawyer with more Strictness than the Officer; but though you cannot deny the Existence of the Law which lays these Restrictions on the Lawyer, yet you are of Opinion, that he, with more Power to oppress, ought not to be so strictly bound as the Officer who has less, because you suppose we proposed the Amendment to your Bill, entitled, *An Act to ease the Inhabitants of this Province in the Payment of Attornies Fees* with a View to destroy those of the Profession, "who have concurred with others in opposing the Encroachments of Power." If an Observance of the Law would be really so mischievous as to destroy these Gentlemen, it ought to be repealed or rendered less rigorous: For a Law which intends to bring Destruction upon the Objects of it, without their Fault, is cruel indeed; and a Law that ought not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 as 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 disobey what they find, in the Observance, to be injurious to their Interests.

The Exorbitancy of the Profits of the Officers must 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, Commisary 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, on so fair an 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 the 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* Hundred Pounds of Tobacco, by an immediate Payment, which he might easily do. The principal Services he would have Occasion for might be rated, as soon as performed, and 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 Rate obtains. Though the Points between us, at present, do not depend on the Proposals made at 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 the former Proceedings without Notice. 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 (besides the Time for closing the Inspection, and the Mode of recovering Penalties) this Session, are, whether our Staple shall be under the Regulation, from which so great Benefits have been incontestably derived, for the 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*lb* *per* Poll, in the 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 in 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.

Which was read.

On Motion, Leave given to bring in a Bill, to continue the Power of Inspectors, and for other Purposes therein mentioned.

ORDERED,