

we should avoid, when endeavouring to obtain a most beneficial Law. If it could be shewn that any useful Purpose may be attained by our agreeing to a Bill to be presented for Rejection, we should cheerfully adopt the Alternative in its fullest Extent. We can't at once conclude, that any who happen to dissent from our Sentiments, do so incautiously, and must adopt our Ideas on more mature Deliberation. It is well known there are several small Parishes, wherein the Ministers have been paid principally in Tobacco, and it can't be doubted but that their Revenues would be very much diminished under the Alternative proposed by the Bill. They had little Reason, when inducted, to expect this so great Diminution. Ministers have been removed with a View to their Promotion, from Parishes of a greater Number of Taxables not making Tobacco, to Parishes of a lesser Number making Tobacco, and we can't assert that there would be no Appearance of Hardship brought upon such Ministers, or that they would have no Reason to complain of any Breach of implicit Confidence. It is true that "no Parishes are so inconsiderable, but that the worst may be too good for the worst Minister," but the Disappointment and Hardship suggested might fall upon Men of real Merit.

The Right of Appointment is in the Governor. He is not confined in the Exercise of it to those now in the Province, nor does a Restriction of his Power, in Order to rescue Merit from Distress, appear to be reasonable, when a Modification of the Alternative may prevent such Distress. We earnestly wish some Expedient could be fallen upon to remove this Difficulty, and therefore take the Liberty to add to what we have already offered on this Subject, that we are willing the Regulation of the late Inspection Law may be continued in Respect of the Clergy, with a proviso, that in all the Parishes, on the Death or Removal of the present Incumbents, the Alternative shall take Place. In the Course of a few Years, what is designed will be accomplished. If the Regulation be deferred, the Prospect of a general uniform Establishment will be more remote.

We are equally averse with you from allowing, that any Body of Men in the Community are above the Law; but all Bodies of Men, every Individual liable to be personally affected by a Bill, may, we apprehend, whilst it is depending, petition against its Passage, without the Imputation of Arrogance.

As you have assigned no Reason, neither does any occur to us, why the Officers Fees should be first considered. For above a Century, Officers Fees had been rated, and the Subject therefore could not be new in the Year 1747, and there appears to us no Ground for supposing, that the Legislature did not then well understand it, and the Existence of the Inspection Act for above Twenty Years, under Five continuing Acts, especially as the old Table has, as you observe, been altered in some Things, seems to afford a strong Proof, that the Opinion of the Legislature has long been, that the old Table, as it stood when the Inspection Law fell, was well adapted to the Purposes of it. What we meant by the Expressions, "it is our unalterable Resolution not to admit of any further Reduction than that very considerable one which must necessarily result from the Election to be given to all Persons to pay in Money or Tobacco, and that so far we do and shall absolutely adhere to the old Regulation," was, that we would not agree to any Reduction of Fees properly chargeable according to the old Table, tho' willing that the improper Charges of Fees under the old Table should be prevented in future by new Descriptions. In your Enumeration of the Abuses committed by Officers, the Charge of the Commissary-General, when the Services are performed by his Deputies, and they are paid, is mentioned. By the Term *Abuse*, we apprehend is meant, the taking of Fees by the Commissary-General not warranted by Law. The Question then will be, whether the double Charge, as it is called, was supported by the late Inspection Act or not.

Deputies were introduced by the Act of 1715. They were instituted for the Ease and Convenience of the People, to give them an Option of doing their Business at Home or at Annapolis, but with no apparent View of diminishing the Fees of the Commissary-General. After defining their Duties, the Act limits the Pauper Estates to £. 10. directs that the Deputy shall take no more than 50th of Tobacco for Letters on such Estates, and provides, that in every such Case, the Commissary-General shall have no Fees. The Prohibition being thus confined to Pauper, proves that it was not intended to comprehend other Estates. The late Inspection Act makes a similar Provision in Respect of Pauper Estates only. Cotemporary Usage corresponded with this Idea. As far back as the Mode of charging can be traced, the Commissaries-General have invariably charged the Fees in Question. You observe that there has been "the additional Charge of Order in this Office for almost every Act done, when the old Table makes the Allowance only for Orders in Testamentary Causes," but this is a Mistake, for in the old Table these Articles occur, viz. Entering every Motion in Court and Order thereon—For transmitting Balance and Order—For transmitting Sureties Names and Order—For transmitting Distribution and Order.—In the Year 1753 the Lower House attempted by a Bill to strip the Commissary-General of his Fees when Services were performed by the Deputies; but the Upper House amended it in this very Respect, and the Lower concurred, so that in the Year 1753 it was the Sense and Expectation of the Legislature, that these Fees might, and would be charged. And for your further Satisfaction on this Point we have made the following Extract, viz. "November 12, 1753. Amendments proposed by the Upper House to the Bill, entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees.* In the 17th Line of the First Page, between the Words "Mute" and "Boatswain," put "or" instead of "and." In the 13th Line of the 13th Page, and the 2d Line of the 14th Page, make the Sheriff's Salary "Six" instead of "Five." In the Secretary's Fees; making up the Bill, when done by the Clerk, Leave out "when done by the Clerk." A *Venire facias* for Jurors, if issued by Order of the Court, leave out "if issued by Order of the Court." A Copy of the