

“ At a CONFERENCE of both Houses of Assembly appointed to regulate the several Officers Fees, on Monday the 16th Day of September, 1745.

W E R E P R E S E N T,

The Honourable BENJAMIN TASKER, and DANIEL DULANY, Esqrs. of the Upper House.

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| Mr. JOSHUA GEORGE, Major HENRY HALL, Col. JOHN HALL, Mr. NICHOLAS GOLDSBOROUGH, Mr. JOHN GRESHAM, Doct ^r GEORGE BUCHANAN, | } | of the Lower House. |
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Who make Choice of *Benjamin Tasker*, Esq; Chairman, and *Richard Dorsfy* their Clerk.

Your Conferrees have agreed that the Officers Fees should be under the following Regulations, *viz.*

“ THAT there shall be Fifteen Pounds of Tobacco allowed for all Searches in the superior Offices; Searches under a Year's standing not to be charged: And Nine Pounds of Tobacco *per Side*, reckoning One Hundred and Five Words to a Side, for recording and copying in the same Offices.

“ That there shall be a Deduction of one Fifth of all Officers Fees as now taken, except for the above Two Articles.

“ That the Commissary-General shall have no Fees on small Estates which shall not exceed the Value of Thirty Pounds Currency, nor on Services which shall be done by the Deputy Commissaries in Virtue of their Offices.

“ That there shall be Tables of the several Fees in the Act according to the Limitation now agreed on.

“ That Clerks shall be restrained from entering any Motions or Orders in Civil or Criminal Cases, but where any Party shall desire and pay for the Entry.

“ That there be a proper Clause in the Act to restrain Officers from exacting or taking any more or other Fees than such as shall be mentioned in it; and that there be an Oath of Office; and that the Act shall continue for Seven Years, and to the End of the next Session of Assembly which shall happen after the End of the said Seven Years.”

This Extract needs no Comment. The Sense of the Two Houses on this Point is fully and clearly expressed. It is true that the Bill for Limitation of Officers Fees, with several other Bills of Importance, were rejected by the Governor; for what Reason does not appear, but it may be conjectured, and perhaps your Honours may know that it was because the Lower House did not pass a Bill for Arms and Ammunition, which at that Time was deemed an Object of the first Concern with Government.

In the Year 1747, when the Inspection Law first passed, including a Regulation of the Staple as well as of the Officers Fees, this Point of the double Charge does not appear to have been agitated. A minute Detail of the Circumstances attending the several Re-enactings and Continuances of that Law, would not discover any great Fondness for that Part of it which relates to Officers Fees; and the Continuance of it in the Year 1769 for one Year only, with the Intention of going fully into the Consideration of Officers Fees at the next Session, was a Proof to all the World that the old Table of Fees was then looked upon as defective in many Respects.

At the next Meeting of Assembly a new Regulation of Fees was framed with many material Alterations of the old, and in the Course of that Session the Inspection Law fell. How this can afford, or even seem 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, we shall leave to your Honours to explain. It is said that Deputy Commissaries were instituted by the Act of 1715, 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. It may be asked whether publick Offices were erected for the Emolument of Officers, or for the Benefit of the People? Were Deputies appointed with any apparent View of encreasing the Expence of the People, by making them pay Twice for the same Service? Or are they to pay for the Ease and Convenience afforded them by the Legislature? From the Expression in that Act, that in the Case of Pauper Estates the Commissary-General shall have no Fees, it cannot be inferred that in all other Estates he shall be allowed to charge Fees for Services not done. The Prohibition had been just as necessary if no such Charge as what is called the double Charge had ever been made; because without it the Commissary-General would have charged his Fees on that Part of the Business, which upon every Administration, as well Pauper as others, must necessarily be transacted in his Office, such as recording the Inventory, &c. It is so repugnant to every Principle of Reason and Justice, that an Officer shall be allowed to charge for a Service he does not perform, and for which another is paid, that to reason about it, is to weaken, if possible, the Self Evidence of the Proposition. Nothing but Usage can in any Sort countenance a Charge so manifestly unjust, and tho' that Practice may have been uninterrupted, yet it has nevertheless for many Years been a Subject of general Complaint, and it is a Matter of Wonder, that it has been so long submitted to by the People. In the Year 1753 this Point was again agitated, and an Alteration in that, as well as other Respects, attempted. The Sense of the Lower House was sufficiently shewn,