

shewn, by their Bill with these Alterations of the Table of Fees, though they were afterwards induced to come into the Amendments proposed by the Upper House.

The Fact is too notorious to be denied, that the Table of Fees under the First Inspection Law, was then adopted, and hath been since continued, not so much from the Impressions of the Propriety and just Proportion of the Reward to the Service, as from the Utility of that Bill in other Respects; and the Necessity of agreeing to an imperfect Table of Fees, or losing a Regulation of the Staple, allowed on all Hands to be very beneficial to the People.

The Interest of the Commissary-General would be consulted by an Acceptance of what is now proposed, because we are fully convinced, that in Case the Table should be passed in the Manner it formerly stood, the double Charge would be disputed; and, we are of Opinion, would not be recovered in Case the Point should be fairly controverted before a Jury; and if the Table is not passed into a Law, we know of no Action that would lie for a *Quantum Meruit* where the Service is not done.

We have already declared, that we are not desirous of reducing the Offices below the Acceptance of Gentlemen of Abilities and Distinction; and, if upon the best Calculation we can make, any of them shall appear, by the proposed Alterations, to be reduced too low, we shall most readily, upon the present Conference, encrease the Fees in such a Manner as that they may amount to a handsome and adequate Income: But that no further Time may be thrown away in this Business, we must, in the most explicit Manner declare, it is our fixed unalterable Resolution, not consent to any Regulation, unless Provision be plainly and effectually made against the Charge of the Commissary-General, for Services done by his Deputies, and for which they are paid, and the Charge for Recording where that Service is not done. If, therefore, the Upper House do adhere to their Resolution of not admitting any further Reduction than what must necessarily result from the Election to be given to all Persons to pay in Money or Tobacco, and are of Opinion, that the above Charges are agreeable to, and may be justified by the old Table, nothing further can possibly be done. If, on the Contrary, they are willing to explain and correct the Table in these Particulars, so as to prevent such Charges in future, we shall most cheerfully proceed to take both the new and old Table under Consideration.

Daniel Dulany, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entitled, *An Act for the further Emission of Bills of Credit*, and the following Message.

By the UPPER HOUSE of ASSEMBLY, Nov. 18th, 1771.

GENTLEMEN,

YOUR Message of the 16th Instant, with the Bill, entitled, *An Act for the further Emission of Bills of Credit*, seems to import, that our Amendments of Bills you call Money Bills are of late Date; but we must take the Liberty to observe, that the Journals demonstrate the contrary in the clearest Manner, and if the Course of Precedents be attended to, abundant Instances must occur, not only of Amendments of real Money Bills by the Upper House, admitted by the Lower, but of these Bills framed in a Committee of both Houses, and even having taken their Rise in the Upper House; and such, moreover, are the very peculiar Circumstances of the present Business, that we must think your Complaint of Innovation and Claim of Privilege to be most extraordinary, for when the original Bill of 1733, for emitting Bills of Credit, was sent hither, the Upper House judging many Amendments to be expedient, proposed a Conference, which took Place on the Occasion. Members appointed by each House attended the Conference. Various and most material Alterations were proposed and adopted; the original Bill as framed in the Lower House, was for emitting only Seventy-two Thousand Pounds in Bills of Credit, but the Sum was agreed, on the Conference, to be augmented to £. 90,000. By the express Terms of this Bill, which passed into a Law in 1733, any Money remaining in Bank, and Monies lent, and the Interest thereof, after sinking the £. 90,000, were subjected to such Application and Disposal as the *Assembly of this Province* should think proper; and we need not, surely, prove by Argument, that the Surplus Money thus became expressly and equally subject to our and your Application, or that this very Surplus, so subjected, is the Foundation of the Emission you have proposed.

According to your present extensive Ideas of a Money Bill, and of Privilege, tho' by your Bill, Forty-two Thousand Six Hundred and Sixty-six Dollars and Two Thirds of a Dollar might be applied hereafter, to the Purpose of establishing a Seminary of Learning in this Province, in such Manner as should be directed by Act of the General Assembly thereof; yet the Upper House might be precluded from considering what System of Instruction and Enforcements of Discipline would be most proper.

The original Bill, which passed into a Law in 1733, having been framed and corrected in the Manner we have related, the Surplus Money therefrom having been expressly subjected as well to our as your Disposal, and this Surplus being the Foundation of the Emission you have proposed, your Claim of Privilege, and the obvious Consequence of its Admission, render the firmest Adherence to our Amendment indispensable; and we trust, that whilst we act upon these Principles, Candour will acquit us of all Designs to multiply the Topicks of Controversy, which indeed are already too many.

Ordered, That the said Message be read; and it was read accordingly.

Mr. Chase brings in, and delivers to Mr. Speaker, a Bill, entitled, *An Act for amending and declaring the Law in the Cases therein mentioned*: Which was read the First Time and ordered to lie on the Table.

The House adjourns till To-morrow Morning 9 o'Clock.

TUESDAY,