

amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees; and as the Regulation was to be thus established by the Bill when passed into a Law, we also could not but mean, that the Regulation should continue as long as the Law establishing it should continue. In Regard to the Clergy's Dues, as you are not inclined to continue generally the Regulation of the late Inspection Act, the Matter stands thus under our several Propositions; they may be left out of the Bill entirely, or only as to the Planters, and be subject to be discharged in Money, after the Rate of 3/6 each Taxable by the Farmer. If entirely left out of the Bill, they will be payable as they now are, and the Condition of the Planters will not be altered. If subject to be discharged in Money by the Farmers, this Provision will very much secure them from the Oppression to which they may be exposed, if left to make a Composition in Money for the 40 per Poll; for when Men are liable to be called upon for what they have not, they must be under great Disadvantage in making a Contract to pay in what they have; or, lastly, the present Clergy already inducted may be paid according to the late Inspection Act, and immediately on the Death or Removal of any of these Ministers, the People, as well Planters as others, shall have it in their Option to pay for each Taxable 30 lb of Tobacco per Poll, or Four Shillings, which is the Alternative proposed by the Bill. If this Provision be established, the Ministers now inducted will have no Reason to complain of Hardship or Breach of Confidence, and their Successors will be fully apprised before their Induction what they are to depend upon.

Experience has proved, that when the Settlement of Officers Fees has been the Object, Difficulties have arisen; but Experience has proved too, that from the Year 1747 to 1770, the Difficulties on this Subject have not been so great but Means have been found to obviate them. We presume, the Two Houses, in the Year 1745, bestowed due Attention on the Business they undertook; but we can't imagine that afterwards, in the Year 1747, the Legislature, well acquainted as they must necessarily have been with the Merits of the Bill of 1745, bestowed less Attention, and had less Discernment or Experience than their Predecessors, or that the Legislatures, who at several Periods continued the Act of 1747, and were fully apprised of its Effects, were negligent of the publick Welfare, and inattentive to their Duty. Why a Bill, agreed upon by the Two Houses in 1745, and dissented to by a Governor, whatever might be the Motive of his Conduct, should be esteemed of higher Authority than a subsequent Law, repeatedly continued, as we have not hinted, so it is not our Province to explain. No Detail, how minute soever, can invalidate the Fact, that the old Table of Fees received the frequent Sanctions we have referred to, and we must think that no Argument or Illustration, after the Repetition of so many solemn Sanctions, can be necessary or proper, to evince the Opinion of the Legislature to have long been, that the old Table of Fees, as it stood when the late Inspection Act fell, was well adapted to its Purposes. By what other Criterion can we so safely judge of the Opinion and Sentiments of Law-makers, as by the Laws they themselves have ordained? What might be the Intention of the Lower House in 1769, when they continued the Inspection Act, we were not informed, for no such Intention as you have intimated was declared or notified to us; and diffusive as you may suppose the Proof to have been, of your Intention to reform Abuses or reduce Exorbitancy, we suspected none other than what was inferred from the Supplemental Bill to the Inspection Act, sent to us in the same Session; by which, according to our Recollection, the Alternative was proposed,

By the Scheme of the Bill of 1745, the Commissary-General was to charge no Fees when the Services should be performed by the Deputies; but it was no Part of it that there should be an Enlargement of the Jurisdiction of the Deputies from £. 50 to £. 150. The Inspection Act made no Provision against the Charge of the Commissary-General in the above Instance, but enlarged the Jurisdiction of the Deputies to the Extent of £. 150. No Argument can be drawn from the rejected Bill to prove a Charge under the Act of 1747, to be an Abuse; but the rejected Bill may be material in another View; it shews what was the Construction of, and the Usage under the Act of 1715, and the Provision being omitted in the Inspection Act, shews what the Legislature in 1747 intended should be the Operation of this Act; for it appears by the Journals, that the Assembly in 1747 had the Bill of 1745 under their Consideration.

Publick Offices were doubtless erected for the Benefit of the Community, and for the same Purpose are Emoluments given to support them. We have not intimated that Deputies were appointed with the Intention of increasing the Expence, on the contrary, we have said, that they were introduced for the Ease of the People, and we may add, to lessen the Charge they were liable to before the Act of 1715; which Act, though it did not deprive the Commissary-General of his Fees, except in the Case of Pauper Estates, consulted the Convenience of those to whom an Option was given to transact Business with the Commissary-General or his Deputy. The Commissary-General, before the Act of 1715, charged his Fees on every Administration: By this Act, if the Estate be so small as that the Inventory of it shall not amount to £. 10 in Money, there shall be paid to the Deputy, for granting Letters of Administration, &c. the Sum of 50 lb of Tobacco, and no more; and in every such Case the Commissary-General shall have no Fees. So far, and no farther, is the Commissary-General restrained by the Act of 1715, and the Usage or Practice has invariably corresponded with this Restriction. By the late Inspection Act the Fees were expressly given to the Commissary-General for every Letter of Administration, for every Bond, for every Oath, &c. and the Generality of the Expression is only qualified in Respect of Pauper Estates. That there should be an Inclination to abolish these and other Fees, we do not wonder, and apprehend that the Reduction of Income has rather been the Design than the Correction of Abuse. We are most certainly assured the Interest of the Commissary-General would not be so little consulted, by an Acceptance of what you proposed, that