

The Regulation of Officers Fees, as it is plainly a Matter of the greatest Importance, and must necessarily take up a great deal of Time whenever it is fettd, as many Points of Difference are likely to occur in it, and it being a Matter too in which several of the honourable the Upper House are considerably interested, and therefore fairly presumable an Object of more immediate Concern with them, was thought by the Lower House to be the Point which ought first of all to be settled; nor has the Event proved them mistaken. It is useless at this Time to go minutely through your Honours Reasoning on this Head. To our Objections aginst the Charge for recording Papers where the Service is not done, the extravagant Charges of the Surveyors and Examiner, and the frequent Charge of Order in the Commissary's Office, you have still reserved to yourselves to say, whether those Charges are proper or improper under the old Regulation, and from your Reasoning in Support of them, have left us little Hops of being able to convince you of their Impropriety; and till then, your repeated Assurance, that you will not agree to any Reduction of Fees properly chargeable according to the old Table, must secure those Charges from being prevented in future. When we asserted that the Charge for recording was made where the Service was not done, we confined our Ideas to what were or were not Records in this Province; and although we have Reason to believe that Records are kept in Rolls in the Mother Country, we consider the Books, either small or large, in which the Clerks enter the Proceedings of the Courts here, to be Records of the Proceedings of our Courts, and that when the Declarations, &c. are not entered in those small or large Books, those Declarations, &c. are not recorded; and this Idea, we think, is confirmed not only by several of the Allowances in the Tables for recording, but also by the long continued Practice of recording in small or large Books in all the Offices, and by the Acts of Assembly in 1716 and 1742, by which the Secretary and other Officers are bound to find a Supply of good and sufficient Record Books necessary for entering up all Matters, &c.

The Commissary General's Charge for Services not performed by him, but which are performed by his Deputies, and for which those Deputies are paid, you strenuously support. You do not even allege there is any Degree of Justice in such Charge, but ground yourselves on your Construction of the Table and uniform Usage and Practice in making this Charge. You have been pleased to recur to the Act of 1715, and argue your Construction of that Act too in your Favour. We, on the contrary, have given our Construction, and still think it the right one. We by no Means admit that the Tables of Fees of 1747 or 1753 warranted this Charge; but, on the contrary, observe, that in most of the Tables there are Allowances for many Services without any Addition to the Article, if done by the particular Officer in whose Table such Article stands; on the whole of which the Construction must most clearly be, that the Allowance is to be to such Officer for his doing such Service: And we have opposed too against you, the evident Injustice of compelling any Man to pay twice for a Service performed but once, and have mentioned the Provision in a Bill passed both Houses in 1745, preventing this Abuse. You have brought to your Aid likewise, the solemn Sanction of the late expressed Regulation, so deliberately enacted, re-enacted and continued by several Assemblies at Five different Times, to strengthen you, not only with Regard to the Commissary's double Charge, but also to evince the old Table, so loosely expressed, that not a few of the Officers themselves palliate their excessive Charges, from the Dubtfulness of the Expressions, and from whence Bills of Costs in different Offices, in like Suits and under similar Circumstances, often materially differ, is well adapted to the Purposes of it, and is proved to be so by long Experience. We have asserted, "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."

As your Reasoning was not forcible enough to convince the Judgment of the Lower House of the Legality or Propriety of the Commissary General's double Charges, so they could not alter their Determination with Regard to them, and, unhappily, the Commissary-General's Reward, for doing nothing, must be left to be decided by those who may happen to be charged something by him for his doing *nothing for them*, on whose Fears possibly the Administration or Testamentary Bond, taken according to your Remark, with a very extensive Condition, how legal needs not now be considered, may forcibly operate, or by legal Determination, in which a Jury of the Country may possibly be of different Sentiments from your Honours.

Your Honours having enquired, whether we choose that the Regulation of Fees proposed by the Bill of 1745, which you have been pleased to allege has been mentioned by us in Terms of so much Approbation, should now be established, and after desiring our explicit Answer, having declared you are willing to adopt that Regulation, it seems to be implied, that you were of Opinion, the Terms you thus offered were rather more eligible by the Lower House, than to adopt the late Regulation of Fees, to which you have clearly shewn yourselves to be exceedingly attached, and to which the Lower House are so much averse and cannot agree; and yet, the Terms of this new proposed Expedient are such as we cannot imagine you had the least Expectation would be acceded to.

We should really, and without any Intention of Offence, have requested your Honours to have explained, whether you designed to propose the Regulation of Fees as agreed to in 1745, with or without any Deduction? Whether you designed an Alternative in the Payment of those Fees agreeable to the present Bill? And whether you designed the Payment should be in Tobacco only? Had we not so lately given you Trouble of spending Two Sides of Paper in making it clear to our Understanding, that your proposed Expedient relative to the Clergy's Dues is,

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