

the Punishment will be light enough never to remove those who may be wanting in it. The Lower House intend the same Measure of Justice to the Clergy as to every Body else, nor will they afford an Argument of one Example, that any Body of Men in the Community are above any Regulation that the Legislature may think just and reasonable.

Your Honours are pleased to postpone Officers Fees to all other Points in Dispute between us; we think that Subject ought to have been the first considered: A Course of more than Twenty Years Experience has sufficiently convinced us, that the old Table, which has been already altered in some Things, is still full of Errors and Imperfections. All Parties in the Year 1747, we take it for granted were heartily tired with the Controversy about Fees that had been then subsisting many Years, and were no Doubt glad to put an End to the Dispute, by coming into some Regulation, however imperfect. No Principle can be more evident than that Officers ought not to charge Fees where no Service is done; and your Honours, upon considering the old Table, and the Practice under it, will find frequent Occasions to apply this Principle by Way of Correction. Your Declaration, that it is your 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 you do and shall absolutely adhere to the old Regulation, leaves us little Room to hope for an Agreement; but you are pleased to say further, that if any Abuses have really happened in the Charges under the old Table, and an Explanation or Correction should appear to be necessary for the Prevention of such Abuses in future, you are willing that the old Table shall be explained and corrected with this View: Permit us then to enumerate some of the Abuses which we apprehend have happened in the Charges of the Officers under the old Regulation; they are, the Charging Fees by the Commissary-General for Services done by the Deputies, and for which they are paid; the Charge for recording Papers by the Secretary and County Clerks, in Actions discontinued, abated, struck off or agreed, when they need not, nor generally have been recorded; the extravagant Charges of the Surveyor and Examiner-General on Resurveys, and of the Surveyor on Warrants of Survey out of the Provincial Court; the additional Charge of Order in the Commissary's Office to almost every Act done therein, when the old Table makes the Allowance only for Orders in Testamentary Causes. For the Prevention of these Abuses principally was the new Table framed, and to correct the Allowances in some Instances where they were beyond all Moderation; therefore, as the subject Matter of the Bill, in which is included the Regulation of Fees, is the real Object of this Conference, the new Table most certainly is the proper Subject now to be considered, in Order to discover how far it has provided against the Abuses that have crept in under the old. There is a great Difference, we apprehend, between the Amount of Fees properly chargeable under the old Table, and the Amount of Fees charged according to the Practice of charging.

If, when you say that you will not admit of any further Reduction than what must necessarily result from the Election to be given to all Persons to pay in Money or Tobacco, your Honours mean a Reduction only of the Amount of Fees as properly chargeable according to the old Table: If you esteem the several Charges above enumerated to be erroneous, and are willing to make Provision against the Continuance of such Charges in future, some Fruit might still be expected from this Conference, as we make no Doubt of being able to shew to your Satisfaction, that in these, as well as many other Particulars, great Abuses have been committed; in this Case we are willing to confer upon both the Tables, in Order to strike out one more perfect, which we are persuaded might be effected to the Satisfaction of both Houses, as we can with Truth assure you, we are not desirous of reducing the Incomes of the Officers beneath what might be worth the Acceptance of Gentlemen of the First Distinction. If, on the contrary, you are of Opinion, that the Mode of charging Fees, as used and practised in the above enumerated Particulars, is agreeable to the old Regulation, and do not mean to admit of such a Reduction of the Amount of Fees as would be occasioned by an Alteration and Correction of that Mode of charging, nothing further can be expected to be done, and we shall desire an immediate End may be put to the Conference.

The Order of the Day being read, the Consideration of the Petition of *Gilbert Barrow* is further referred till To-morrow Morning.

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

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T U E S D A Y, November 12th, 1771.

THE House met. All Members present as on Yesterday.

The Proceedings of Yesterday were read.

Mr. *Moale*, Mr. *Owings*, Mr. *Buchanan*, Mr. *Gresham*, and Mr. *Beall*, appeared in the House.

Mr. *Holland* hath Leave of Absence.

Mr. *Hall* and Mr. *Worthington* have Leave of Absence for a few Hours.

The Order of the Day being read, the House took into Consideration the Petition of *Gilbert Barrow*, and after having heard the Evidences relative to the several Matters set forth in the said Petition, and having maturely considered the same: ORDERED, That the said Petition be rejected.

ORDERED, That *Gilbert Barrow* pay the Fees to the several Officers of this House arising due on the said Petition.

ORDERED,