

You have not answered, or even attempted to answer our Reasoning on the Article in the old Table, for filing and recording. Your Doctrine of Records, if it could be supported, would be so far from fixing the Charge of Abuse, that it would rather prove, more might have, than has been demanded under that Article. You have not either hinted at any Rule of Apportionment, or that the Service of filing ought to be performed for Nothing.

Without Doubt the Judgments entered in Books are Records; but it does not therefore follow that Nothing which is not so entered, is not a Record, nor do the Acts of 1716 and 1742 prove the Propriety of your Idea in the Limitation.

The present Assize Bill (as well as former Assize Laws) directs the Records to be made out for the Trial of Issues in Fact at the Assizes. In these Cases there are no Judgments entered up, or transcribing the Pleadings into any Book. The Suits may abate, be agreed, or discontinued. If an Action be prosecuted in the Provincial Court, and afterwards another Action in the County on the same Bond, may not the former be pleaded in Bar of the latter? If a Suit be abated by the Death of the Defendant, and without Delay renewed against his Executor or Administrator, may not the Bar from Length of Time be avoided by pleading the former Suit and recent Renewal? In either of the Cases put, tho' the Proceedings be not transcribed into a Book, may they not be properly referred to as Records?

In what Respects the Clerks differ in their Manner of charging, we do not know; but what is wrong we are willing to correct. It is true, that when it becomes necessary to transcribe the Pleadings into a Book, the Trouble is greater than when this Business is not done, and the Reward therefore is not always proportioned to the Trouble; but this exact Proportion between the Service and the Reward, can't always be maintained.

By the Laws of this Province, yet in full Force, an Attorney has an Allowance of the *same* Fee on finishing a Suit in which he is concerned, whether it end in a Judgment, after the Trial of Issues in Fact, Arguments on Demurrer, and Motion in Arrest of Judgment, or by the Death of one of the Parties immediately after Appearance, and yet on the whole we presume you will not strenuously contend, that the Fee allowed by Law is extravagant and requires Reduction.

As to the Time of Payment we do not perceive any Inconvenience from it, but what may fall upon the Improvident, whom hardly any Indulgence can save from Distress. If the Farmer is supposed to be unable to pay before he shall have disposed of his Crop, your Time of the 10th of August would not suit his Circumstances; for he could not dispose of his Crop to Advantage till some Months after that Day. As to the Publick and County Levy, and Parochial Charges, when the former shall be laid, the Law directing it may properly appoint the Time of Payment, and for the most Part, they who may be concerned in the County Levy, or Parochial Charges, may make their Contracts, or have their Allowances suited to the Time of Payment; but they who can't, we agree ought to be paid in the same Manner with the Officers and Lawyers.

As to the Inspectors Bonds we shall only observe, that there ought to be a Security against the Oppression of Inspectors, as well as of other Men, and that, as the Bill is framed, we apprehend they might be perpetually harrassed by groundless Suits, and receive no Satisfaction for the Costs attending their Defence.

Such have been your Affectation of Want of Comprehension, your Propension to mistake, and Resolution to misrepresent, that Repetition, however irksome, became necessary, and Prolixity, disgusting as it is, unavoidable. It has been our Observance not to give Offence, but we esteemed it to be as little our Duty, as we feel it to be our Inclination, *not to repel wanton Insult.*

Which was read.

The Question was put, That the following Paper, *viz.*

WE are instructed to inform your Honours, that a particular Answer to your illiberal Language cannot be productive of any publick Good; and not being disposed to attempt a Rivalship with your Honours in the Talents for Petulance and impudent Invective, the Lower House have Ordered an End to be put to this Conference. Be given to the Conferrees of this House, to be by them delivered to the Conferrees of the Upper House? Resolved in the Affirmative.

For the AFFIRMATIVE.

<i>McFairs</i>	Mackall, Weems, Harrison, Adams,	Moale, Ristea, Deye,	Beall, Tyler, Contee,	Paca, Tilghman, Chamberlaine,	Earle, Wootton, Hagar.
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For the NEGATIVE.

<i>McF.</i>	Gresham, Ringgold, Johnson,	Hammond, Grahame, Ware,	Hawkins, Richardson, Baxter,	Hall, Thomas, T. Wright,	Luckett.
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The House appoint Mr. Beall, Mr. Tilghman, Mr. Grahame, Mr. Johnson, Mr. Hall, and Mr. W. Richardson, a Committee to treat with Mr. Frazier, in what Manner the House which he has offered for the Use of the Assembly and Provincial Court shall be finished, and what Conveniences shall be found by him, and at what Rate it shall be rented by the Year, and make Report thereof To-morrow Morning.

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