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LELAND STANFORD JUNIOR UNIVERSITY

ARCHIVES OF MARYLAND
XXXV
PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY
(14)
1724-1726

ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

OCTOBER, 1724—JULY, 1726

PUBLISHED BY AUTHORITY OF THE STATE UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

CLAYTON COLMAN HALL

Editor



BALTIMORE
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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *September 1, 1915.*

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Thirty-fifth Volume of the Maryland Archives, being the Proceedings and Acts of the General Assembly of Maryland from October 6, 1724, to July 25, 1726.

Respectfully,

CLAYTON C. HALL,
BERNARD C. STEINER,
SAMUEL K. DENNIS,

Committee on Publication.

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PREFACE.

In the present volume is presented a continuation of the Proceedings and Acts of the General Assembly from October, 1724, to July, 1726, including four sessions of that body, the brief session in July, 1726, being the last one held during the administration of Governor Charles Calvert.

The principal subjects of public interest that engaged the attention of the legislature were, the question as to whether the English statute law extended to Maryland, the importation of convict labor, the regulation of the quality of tobacco—the principal crop and chief staple of the province—and the old disputes over the fees of public officers and allowances to members of the Council.

In respect to the first of these, long arguments were exchanged between the Lord Proprietary in England and the Lower House of Assembly, which finally resulted in a concession by the former to the extent of agreeing that such laws as were “undoubted, certain, constantly adhered to and practised” should be preserved.¹ An act passed in 1725 prescribing the form of oath to be taken by judges, by which it was intended to bind them more strictly to the application of the English law in cases where the local law was silent, was, however, disallowed by the Proprietary.

In relation to the importation of convict servants, the act passed in 1723, which was designed to restrict the importation of convicts, received the dissent of the Proprietary on the ground that it was in contravention of an act of Parliament, by authority of which certain contractors had the right to offer these convicts in the American colonies for sale into penal servitude. By the Maryland act it had been sought to require purchasers of such laborers to give security for their good behavior. The Governor pointed out, in an address to the Assembly, that the only way to exclude this undesirable element from the population was to refuse to purchase convict labor, as it was impossible, by

¹The rule thus prescribed is, in effect, identical with the principle embodied in Article 5 of the Maryland Declaration of Rights, wherein is asserted the right of the inhabitants of the State to the Common Law of England, and to the benefit of such English statutes as existed on the 4th day of July, 1776, and which had been found applicable, and had been introduced, used, and practised by the Courts.

indirect means, to deprive the purchaser of his property rights in his servant. The Lower House subsequently sought to accomplish the same end by providing for the sale out of the province of servants committed to jail as persons of ill repute, and for whom no one would give security, with the ultimate aim, apparently, of having many convict servants so adjudged, committed and disposed of. This measure was opposed by the Upper House and failed of adoption.

Efforts made to enact laws for improving the quality of tobacco failed through differences between the two houses of Assembly, though all admitted the urgent need of a remedy for the existing conditions. Governor Calvert, who had sought to secure concert of action with Virginia (where legislation upon the subject also failed), wrote to the Governor of that colony in July, 1726, after the adjournment of the Assembly which had been convened specially to deal with the subject, that there had been nothing done; though all agreed as to the necessity, there were diversities of opinion as to the means, and none would yield to the opinion of others (*Archives*, XXV, 458).

In the renewed debates about the fees allowed to public officers, the Lower House proposed to reduce them to one-half the existing rates; and over the allowances claimed by the members of the Upper House, and formerly made to them, for their services as members of the Council out of Assembly time, the dispute was bitter, the tone of the Lower House being especially truculent. And the bitterness extended to the debates relating to the disposition of servants committed to jail as persons of ill repute. The Upper House consisted of the Council appointed by the Proprietary, and its members were characterized by the Lower House as instruments of the prerogative, while its own members, it was pointed out, were the representatives of the people and defenders of their liberties.

The antagonism that was fomented between the two houses may be reasonably imputed to the influence of Thomas Bordley, a man of overbearing temper, who after holding several minor public offices, including that of clerk of the Provincial Court, was made a member of the Council. Shortly after the session of Assembly in August, 1721, the Governor dismissed him from the Council for giving what the Governor deemed pernicious advice, deliberately designed, if followed, to cause dissension between himself and the people of the province. This dismissal deprived Bordley of his seat in the Upper House. In the ensuing year, 1722, he was elected as a delegate to the Lower House, where he at once became a dominating factor. He was a member of

both the important committees, that of laws, and that of aggrievances, and was on no occasion made the bearer of a message to the Upper House. It probably did not suit his temper to stand at the bar of that house in which he had once occupied a seat. The differences between the two houses began almost immediately. In 1723, the appropriation for the customary allowances to the Councillors for their services was refused by the Lower House, and the ensuing debates between the two houses were frequently marred by aspersions cast by the one upon the intelligence, motives and sincerity of the other. At the session in March, 1725/6, Bordley complained that he had been accused of having needlessly prolonged the previous session. During the next session, that in July, 1726, he was absent; and while the two houses failed to agree upon a tobacco bill, the communications between them, upon this occasion, were free from discourtesy.

It should be added that Thomas Bordley was instrumental in securing the establishment of a printing press at Annapolis by William Parks, in 1726, and he was the editor of the volume printed by order of the Lower House in 1725, by Andrew Bradford, in Philadelphia, containing the charter of Maryland, and the debates that had occurred concerning the government and judicature. In the preface the importance of a knowledge of the constitution of the country was urged, and the suggestion made that even part of the Legislature seemed to have doubts concerning it.

The records belonging to the State for the period covered by this volume are very defective, some of the manuscripts being so decayed that they cannot be handled without further damage, and what remains of them is in many places illegible. Fortunately it has been possible to supply what was lacking from the Maryland Historical Society's collection of Calvert papers, which contains copies of the journals, made at the time, for the information of the Lord Proprietary, and which are often of earlier date than the copies belonging to the State. The Upper House Journal for the session in 1724 is taken from a copy in the State collection (the only one in existence), which was made in 1738, a fact disclosed by the accidental insertion, by the copyist, of that date among the Proceedings.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, October 6–November 4, 1724.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

At a Session of Assembly begun and held by several Prorogations at Annapolis October the 6th in the ninth year of the Dominion of the Right Honourable Charles Lord Baron of Baltimore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c^a Annoq Domini 1724.

U. H. J.
State
Archives
Lib. No. 32.
(Contemporary Copy)
p 97

Present

The Honourable Charles Calvert Esq^r Governor
the hon^{ble} { Col^o William Holland John Rousby Esq^r
 { Col^o Samuel Young Benjamin Tasker Esq^r
 { John Hall, Esq^r

Members of the Upper House

Col^o Mackall and M^r Tyler from the Lower House acquaint his Honour the Governor there are a sufficient number of their members met to proceed upon Business

Whereupon Col^o Young is sent to acquaint them that his Honour the Governor requires M^r Speaker and the whole House to attend him in the Council Chamber immediately

The Speaker and the whole House give their Attendance accordingly and his Honour opened the Session with the following speech viz.

Gentlemen of the Upper and Lower Houses of Assembly.

Having received no late Instructions by Reason of the Shipping not being yet arrived I have nothing to lay before you from my Lord Proprietor.

Gentlemen.

It will be very necessary to fall upon some method to prevent the Exportation of Corn out of this province when there is reason to fear we may be Reduced to want our selves and which will be our Case in a little Time if not prevented For by Report our Neighbouring Colonies have suffered very much in their Corn and they will no doubt purchase more than we can prudently Spare them; therefore I think it very worthy your consideration

I shall conclude with heartily Recommending the necessary dispatch of the publick Affairs and as I have nothing more at Heart than the Prosperity of the Country I do not in the least doubt your best Wishes for the publick Welfare

Cha: Calvert.

U. H. J. M^r. Speaker and the Lower House withdraw
M^r Hopkins and M^r Whittington from the Lower House
introduce M^r George Dashiell a member elected for Somerset
County in the Room of M^r Purnel deceased in order to
his Qualification the said M^r Dashiell took the several Oaths
appointed by Law and Subscribed the Oath of Abjuration
and Test and withdrew

A Message from the Lower House by M^r Crab and M^r Waughop viz.

By the Lower House of Assembly October the 6th 1724
May it please your Hon^{rs}

This House in Order to dispatch the publick Business as
much as in them lies have entred a Resolve to sit from nine of
the Clock in the morning till four of the Afternoon and desire
to know whether the times proposed are Agreeable to your
Honours.

Sign'd p Order M. Jenifer Cl lo. Ho.

Adjourned till morning

Wednesday October the 7th 1724

Present

the Honourable { Col^o William Holland, James Bowles Esq^r
Col^o Samuel Young, John Rousby Esq^r
John Hall Esq^r Benjamin Tasker Esq^r
Col^o Thomas Addison,
Members of the Upper House.

The following Message was prepared in Answer to the
Message from the Lower House yesterday by M^r Crab and
M^r Waughop viz.

By the Upper House of Assembly Oct^r the 7th 1724
Gentlemen.

This House Agrees to your Message Yesterday by M^r Crab
and M^r Waughop as to the Hours of meeting for the dispatch
of the publick Business.

Signed p Order Samuel Skippon Cl Up Ho.

Sent by John Hall Esq^r
Adjourned till morning

Thursday October the 8th 1724

U. H. J.

Present

the ho ⁿ ble {	Col ^o William Holland,	Col ^o M. T. Ward
	Col ^o Samuel Young,	James Bowles Esq ^r
	John Hall Esq ^r	John Rousby Esq ^r
	Col ^o Thomas Addison,	Benjamin Tasker Esq ^r
	Col ^o Rich ^d Tilghman,	

Members of the Upper House.

The petition of the Inhabitants of Baltimore County praying that a Law may be enacted to impower them to lay out a Town as formerly where the Court House and prison now stands in Order to secure the said Court House &c^a and to encourage persons to build Houses for the entertainment of Travellers through that County and Suitors that are obliged to attend at the Courts held there was read and thus endorsed viz.

By the Upper House of Assembly October the 8th 1724

Read and Recommended to the consideration of the Lower House of Assembly

Signed p Order Samuel Skippon Cl. Up. Ho.

Sent to the Lower House by Col^o Addison

The petition of John Swineyard of Baltimore County praying that a Bill may be brought in for his Naturalization was read and thus endorsed viz. p. 99

By the Upper House of Assembly October 8th 1724

Read and Recommended to the consideration of the Lower House of Assembly

Sign'd p Order Sam^l Skippon Cl. Up Ho.

Sent by Col^o Ward

Col^o Holland and the rest of the members of this House presented to his Honour their Answer to his Speech made at the opening of this Session viz.

By the Upper House of Assembly October the 8th 1724

May it please your Hon^r

The Repeated Instances your Honour has so constantly given us of your hearty Wishes for the Welfare and Prosperity of this Province leave us no Room to doubt your tender Regard for it which you Could not better express than in your now Recommending a dispatch of the publick Affairs at this

U. H. J. time when the State of the present Crop is so Unequal to the Charge of a long Session This we hope may be Avoided now since your Honour pleased to signify that you have nothing from his Lordship the Lord Proprietary to lay before us.

We cannot at this time take Leave of your Honour without Returning our most humble and hearty thanks for this one more fresh Instance of your Regard to our Welfare in recommending to us Measures to prevent the exportation of our Grain at this time when we have so melancholy a Prospect of wanting: the Consideration whereof we shall diligently Apply ourselves to

Signed p Order Sam^l Skippon Cl Up. Ho.

To which his Honour made the following Reply Viz.

Gentlemen

I return you my hearty thanks for your kind Address & nothing can be more pleasing to me than your Zeal for the publick Welfare

The petition of Thomas Dent of Charles County John Oliver of Kent County Frances Dorsey Widow, John Marsh, John Hurst, Edward Norwood and Ann Brahan of Baltimore County and Thomas Shores a languishing Prisoner in the County Goal at Annapolis praying that a Bill may be brought in to relieve them from Confinement they delivering upon Oath all their Effects for the Use of their Creditors were severally read and severally thus endorsed viz.

By the Upper House of Assembly October the 8th 1724.

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Samuel Skippon Cl Up Ho.

Sent by James Bowles Esq^r

p. 100 The Petition of the Inhabitants of Dorchester County praying that in consideration of the Scarcity of Tobacco in that County they may be allowed to pay their publick dues in money or other merchantable commodity was read and thus endorsed Viz.

By the Upper House of Assembly October 8. 1724

Read and Referred to the Consideration of the Lower House of Assembly

Signed p Order Samuel Skippon Cl Up Ho.

Sent by John Rousby Esq^r

U. H. J.

The Petition of John Cheney and Mary his Wife praying that a Bill may be brought in to enable them to cut off the Intail in a Tract of Land called Waterford and to make Sale of part thereof in fee simple for the better Support of themselves and ten children

The Petition of Gabriel Parker and Ann his Wife John Abington and Mary his Wife William Hutcheson and William Pile and Elizabeth his Wife praying that several Tracts of Land bequeathed to them by the Will of William Hutcheson Senior may be held and Enjoyed by them & their Heirs forever in as full and as ample a manner as if the Intail mentioned in the Will had not been made were severally read & thus endorsed viz^t

By the Upper House of Assembly October 8th 1724

Read and Referred to the consideration of the Lower House of Assembly.

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Benjamin Tasker Esq^r

A message from the Lower House by John Beale Esq^r and M^r Crab with the Dorchester County petition thus further endorsed viz.

By the Lower House of Assembly Oct. 8th 1724

May it please Your Honours

We believe that the Hardships complained of in the within Representation is not the case of Dorchester County alone but of the whole Province in General and therefore are desirous to find a suitable Relief and propose that some of the members of your hoⁿble House may be Joyned with some of the members of this House in a Conference for that purpose if your Honours think fit

Sign'd p Order M Jenifer Cl Lo Ho.

To which the following Answer was prepared viz.

By the Upper House of Assembly October 8th 1724

Gentlemen

This House does appoint the hoⁿble Col^o Addison Col^o Ward & John Rousby Esq^r to enter upon a Conference with such members as your House shall Appoint upon the Sub-

8 *Assembly Proceedings, October 6–November 4, 1724.*

U. H. J. ject of the within Representation and they are ready to enter
p. 101 thereon immediately.

Signed p Order Sam^l Skippon Cl Up Ho.

Adjourned till Morning

Friday October 9th 1724

Present The same as Yesterday

Sent the Dorchester County petition as above endorsed
to the Lower House by Col^o Addison Col^o Ward and John
Rousby Esq^r

A Message from the Lower House by Col^o Mackall & five
more Viz.

By the Lower House of Assembly October the 9th 1724.

May it please your Honours.

We concur with your Honours Message this day by the
honourable Col^o Addison, Col^o Ward and John Rousby Esq^r
and do appoint Col^o John Mackall Thomas Bordley Esq^r
James Stoddert Esq^r Captain Robert King M^r Thomas Boz-
man and Captain Henry Hooper to joyn the honourable
Members appointed by your House in the Conference pro-
posed who are ready to enter thereon immediately

Signed p order M Jenifer Cl Lo Ho.

Adjourned till Morning.

Saturday October the 10th 1724

Present the same as Yesterday

The petition of William Ashley of Westminster Parish
praying that a Bill may not pass in favour of Mathew Ash-
ley so that he should be discharged from Prison without
delivering up on Oath all his Goods for the payment of as
much of his debts as they will Amount to was read and thus
endorsed viz.

By the Upper House of Assembly October 10th 1724

Read and Referred to the consideration of the Lower
House of Assembly

Signed p Order Samuel Skippon Cl. Up. Ho.

Sent to the Lower House by Col^o Young.

A message from the Lower House by Col^o Mackall & five
more viz

By the Lower House of Assembly Oct. the 10th 1724 U. H. J.
May it please your Honours

By a Report made to this House this Session from our Committee of Courts of Justice it seems the Clause of the Oath of a Judge used in England which on the 25th of October 1722 was resolved by this House to be a necessary clause in the Oath taken by the Judges in this province is not Used in the Oath taken by the Judges of the Provincial Court nor of some County Courts within this province Your Honours may please to Observe from your Journal that the Resolves then made were communicated to you from this House by a Message of the 31st of October that same Sessions and Your Honours on the 3^d of November then next by your Message were pleas'd to Observe that those Resolves being of the greatest Consequence to the Lord Proprietary & this Province and that Sessions being near a conclusion you had not Time for so mature a consideration as the nature of them required and therefore referred the further Consideration of them until the then next Sessions of Assembly. How far your Honours were pleased [to consider of them] in the then next and now last Sessions is best known to your Honours. But as we do not find the Clause resolved incerted in the oath above we now take the Liberty of Recommending it further to Your Honours Consideration and Endeavours to procure the same to be done and have directed M^r Attorney General A member of this House to lay before your Honours a draught of such Oaths as may be more agreable to the Oaths used in England and to the constitution of this Province than those now Used which as we conceive have some defects therein from the frequent and careless Transcribing of them by Young and Careless Clerks

Signed p Order M. Jenifer Cl Lo. Ho.

Adjourned till Monday morning

Monday October the 12th 1724

Present

The honble Charles Calvert Esq^r Governor

The honourable	{	Col ^o William Holland	Col ^o Richard Tilghman,
		Col ^o Samuel Young,	Col ^o Mathew Tilghman
		John Hall Esq ^r	Ward,
		Col ^o Thomas Addison,	James Bowles Esq ^r
		Philemon Lloyd Esq ^r	John Rousby Esq ^r
		Benjamin Tasker Esq ^r	

Members of the Upper House of Assembly.

U. H. J. The Petition of Samuel Murray languishing Prisoner in Annapolis Goal praying that a Bill may be brought in to discharge him out of Prison upon the surrender of his whole Estate Real and personal upon Oath was read and thus endorsed viz.

By the Upper House of Assembly October the 12th 1724
Read and referred to the Consideration of the Lower House of Assembly.

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Esq^r Hall

A Message from the Lower House by M^r Crab & three Others viz.

By the Lower House of Assembly October the 12th 1724
May it please your Honours.

This House being willing to be Satisfied whether the new Gate House is built and finished according to the Agreement last Assembly made with Captain Harrison desire that your Honours will Appoint some of the members of your House to join with M^r Ralph Crabb, M^r Hopkins M^r John Chairs and M^r Richard Warfield (members appointed by our House) in a Committee on that occasion.

Signed p Order M. Jenifer Cl Lo Ho.

To which the following answer was prepared viz.

By the Upper House of Assembly October 12th 1724.
Gentlemen.

This House concurs with your House in your Message this day by M^r Ralph Crabb and three others and do appoint
p. 103 James Bowles & Benjamin Tasker Esq^{rs} to be joynd with them in a Committee upon the Subject matter contained therein

Signed p Order Samuel Skippon Cl Up Ho.

Sent by James Bowles and Benjamin Tasker Esq^r
Adjourned till morning

Tuesday October the 13th 1724

Present the same as yesterday

The Petition of Philip Reily of Annapolis Blacksmith setting forth that M^r Henry Lazenby late high Sherriff of Ann Arundel County died Indebted to the Petitioner in the sum

of 7th . 16th . 2^d as by Account appears that upon his Application to the said Lazenbys Administrators he was referred to the publick praying therefore that upon Consideration of the Premises and the Petitioners Age Sickness and Poverty he may be relieved was read and thus endorsed viz.

By the Upper House of Assembly October 13th 1724

Read and Referred to the Consideration of the Lower House of Assembly.

Signed p Order Samuel Skippon Cl. Up Ho.

Sent by Esq^r Lloyd.

A Message from the Lower House by M^r Tyler and M^r Eliot Viz.

By the Lower House of Assembly October 13th 1724

May it please your Honours.

The members of this House who are Commissioners for inspecting the publick Records have reported that M^r Edward Griffith one of the Persons appointed for inspecting the publick Records is dead and that they have admitted Joshua George Gent to proceed on the transcribing the said Records (in the Room of the said Griffith) of whom this House Approves and desires your Honours concurrence with us therein.

Signed p Order M. Jenifer Cl Lo Ho.

To which Message the following Answer was made viz.

By the Upper House of Assembly October the 13th 1724

Gentlemen.

This House Agrees with you in your Approbation of M^r George to transcribe the publick Records in the Room of M^r Edward Griffith deceased as expressed in your Message this day by M^r Tyler and M^r Eliott

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Col^o Tilghman.

Adjourned till morning

Wednesday October the 14th 1724

Present the same as yesterday.

The petition of Zachariah Maccubbins high Sheriff of Ann Arundel County setting forth that tho' by an Act of Assembly made last Session for the Trial of Matters of fact in the several counties where they arise he is deprived of that

U. H. J. Benefit (arising from fees for summoning Juries &c) which he and his predecessors usually enjoyed yet he is still Obliged to give attendance without Recompence and praying relief therein.

p. 104 The Petition of John Stinchcomb of Baltimore County shewing that he had paid to the Value of Forty pounds Sterling on the Account of a Protested Bill of Exch. he had been prevailed on to indorse at the request of Albert Pritchard of said County who with his whole Family is since removed out of the Province and left no Effects behind him whereby he might be reimbursed save 150 Acres of Land which can no ways be Affected by any Judgment Obtained Against the said Pritchard unless by a Bill in that Case made and provided and praying Leave to bring in such a Bill

The petition of John Clements of Dorchester County complaining that he had no Benefit of an Act of Assembly in his favour last Session of Assembly and praying Relief

The Petition of William Anderson of Ann Arundel County praying Leave to bring in a Bill to confirm to him and his Heirs forever a Tract of Land called Gosnels Adventure sold to him by a certain James Smith (since runaway) in as full and Ample manner as if the said James Smith had made a Deed thereof According to the Act of Assembly in that Case made and Provided were severally read and thus endorsed viz.

By the Upper House of Assembly October 14th 1724

Read and referred to the consideration of the Lower House of Assembly

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Col^o M. T. Ward

Adjourned till morning

Thursday October the 15th 1724

Present The same as Yesterday.

The Petitions of Thomas Oldham William Norton and John Spering all of Cecil County praying they may be discharged from their Confinement upon compliance with the Terms required from them by the Act to be made in their Favour were severally read and thus endorsed Viz.

By the Upper House of Assembly October the 15th 1724.

Read and Referred to the consideration of the Lower House of Assembly

Signed p Order Samuel Skippon Cl Up Ho.

Sent by James Bowles Esq^r

U. H. J.

A Bill from the Lower House by M^r Crab and M^r Warfield
thus endorsed Viz.

By the Lower House of Assembly October [15th] 1724

Read the first and second times by especial Order and will
pass

Signed p Order M. Jenifer Cl Lo. Ho.

The Title of the said Bill is as follows viz.

An Act to prevent the Exportation of Indian Corn for the
Time therein limited to suspend the Execution of an Act p. 105
entituled An Act to prevent the Importation of Bread Beer
Flower Malt Wheat or other Indian or English Grain or
meal, Horses Mares Colts or Filleys from Pennsylvania and
the Territories thereunto belonging

A Message from the Lower House by M^r Hopkins and M^r
Dashiel viz.

By the Lower House of Assembly Oct^r the 15th 1724

May it please your Honours.

It appearing to this House that the Stadt House is in a
very decaying condition and we being willing that the same
should be repaired desire that Your Honours will be pleased
to Appoint some of the members of your Honourable House
to joyn Captain Nathaniel Hopkins Captain Joseph Harrison
and M^r John Oldham (whom we have appointed of our
House) in a committee to View the same and to make their
Report thereon that the necessary Repairs may be made.

Signed p Order M. Jenifer Cl Lo Ho.

Adjourned till morning

Friday October the 16th 1724.

Present the same as Yesterday

Read the Corn Bill brought up Yesterday by M^r Crab and
M^r Warfield and the following Endorsement made thereon
viz.

By the Upper House of Assembly Oct. 16. 1724

This Bill being read will pass with the following Amend-
ment lade or take on Board his Ship or other Vessel any
Corn with design to export the same and a Clause to be Added
Giving a power to search any Suspected Vessels

Signed p Order Sam^l Skippon Cl Up Ho.

U. H. J. Sent by M^r Tasker

A message from the Lower House by M^r Tyler & Captain Hooper viz.

By the Lower House of Assembly Oct. 16th 1724

May it please your Honours.

We are informed by our Committee of Accounts that the Public is Charged with Commissions for each Assize to the same Judges which this Year we are willing to Allow; But forasmuch as We presume the Charge may be saved to the publick by Granting Commissions to be in force so long as the same Judges are continued, We desire your Honours will be Pleased to Recommend the same to his Honour the Governour that the charge for the future may be lessened in that part.

Signed p Order M. Jenifer Cl Lo Ho.

The House taking into their consideration the Subject of their Allowances as a Council of State and with what Unreasonableness and Heat the Payment of them was refused by the Lower House last Session and that they had not quitted their Claim but let it fall at that time to avoid contention
p. 106 Resolved to prepare a Message thereon and the following Message was prepared and Agreed to by the House viz.

By the Upper House of Assembly October 16th 1724
Gentlemen.

The Governor at the close of the last Session of Assembly having Represented to you how ungrateful a thing it must needs be to our Lord Proprietary after having Given up his own private Interest, upon sundry Publick Occasions for the Service and Benefit of this Province to find his Lower House of Assembly endeavouring to Load the Revenue with the Unusual Charge of maintaining his Council of State whose deliberate Advice upon all Emergencies is well known to be absolutely necessary to the publick Weal of this Province We hope therefore that a Reproach so tenderly handed to you may have had so Good an Effect upon the members of your House as to convince you of the Unreasonableness of denying the Usual Allowances to the Council which we take to be a necessary and Useful part of the Administration notwithstanding that you refused to make such Allowances the last Session of Assembly when his Lordships unbounded Generosity and Good Will to this province together with the publick Conveniency of a Council of State as well for the Ease as the Security of the Good people might not possibly have been so duly considered as the nature of the thing seem'd to Require.

For which Reasons we then Postpon'd our further Claims to this present Sessions in hopes you will now Agree to those Allowances which we take to be the Just right of the Council for Attending upon all such publick Occasions as the publick Weal of this Province should make their Advice necessary in to the Governour thereof All which seems to have been considered by the whole Legislature where they resolved that an 150 Pounds of Tobacco p diem should be paid to every member of the Council for their Attendance in Lieu of thirty Pounds Sterling p Annum out of the Impost duty on Liquors as appears in the Journals of the House Anno 1697 whereupon we Again Recommend to your Consideration the making of those allowances

U. H. J.

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Col^o Young.

Read the Message relating to the Stadt House and the following Answer prepared thereto Viz.

By the Upper House of Assembly October 16th 1724.
Gentlemen.

In answer to your Message yesterday by M^r Hopkins & M^r Dashiell this House does Appoint Benjamin Tasker Esq^r to join with Captain Nathaniel Hopkins Captain Joseph Harrison and M^r John Oldham to View the Stadt House and make Report thereon that the necessary Repairs may be made

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Sign'd p Order Samuel Skippon Cl Up Ho.

Sent by Benjamin Tasker Esq^r

Read the Message from the Lower House by Col^o Mackal and five Others of the 10th of October and the following Answer prepared thereto viz.

By the Upper House of Assembly October the 16th 1724
Gentlemen.

Upon consideration of your Message of October the 10th by Col^o Mackall and five Others we are of Opinion that whatever defects may have hapned in the forms of the Oaths to be administred to the Judges of the Provincial & County Courts by the frequent and careless transcribing of the Clerks ought to be Amended and whenever laid before our House we shall readily Concur therein

Signed p Order Samuel Skippon Cl Up Ho.

Sent by John Hall Esq^r

The petition of Margarett Jordan, John Jordan Martha

U. H. J. Whitfield & Elizabeth Jordan praying Leave to bring in a Bill to cutt off the Intail in a Tract of Land called Billingsley's Point consisting of 500 Acres was read & thus Endorsed viz.

By the Upper House of Assembly October 16th 1724
Read and Referred to the consideration of the Lower House of Assembly.

Signed p Order Samuel Skippon Cl. Up Ho.

Sent by Col^o Addison
Adjourned till morning.

Saturday October the 17th 1724.

Present the same as Yesterday

The petition of Nicholas Sewal setting forth that a Tract of Land called Darby containing 3000 acres to which the petitioner is Heir at Law was by Act of Assembly Setled and appropriated for the Use of the Indians & praying a compensation for the said Tract was laid before the House

A Bill from the Lower House by M^r Edward Wright and M^r Bozman Intituled An Act for the Relief of such Persons as have been convicted of any Breach of the Acts of Assembly for preventing the making of Trashy Tobacco and for the bettering the Staple of this Province and the Explanatory Act thereof unheard or have Suffered by the Misconstruction of the said Laws.

A Bill from the Lower House by M^r Tyler and M^r Benjamin Mackall Intituled An Act declaring what Estate Gabriel Parker and Ann his Wife John Abington and Mary his Wife William Hutcheson and William Pile and Elizabeth his Wife have in the Lands severally devised to them by William Hutcheson deceased

p. 108 A Bill from the Lower House by Col^o John Ward and Major Maulden Entituled an Act Investing an Estate of Inheritance in fee Simple of a Tract of Land called Little Bohemia or Bohemia Middle Neck in Ephraim Augustine Herman of Cecil County Gent and his Heirs for ever and to Cutt off the Entail thereof and to make Good and Valid any Sale thereof to be made by the said Herman or his Heirs aforesaid Severally thus Endorsed Viz.

By the Lower House of Assembly October 17th 1724
Read the first and second times by Especial Order and will Pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

Ordered to lye on the Table.

U. H. J.

An Engrossed Bill from the Lower House by Mr. Walter Smith & Mr. Robert King thus Subscribed.

October 17th 1724.

Read and Assented to by the Lower House of Assembly & Sign'd p order M. Jenifer Cl Lo. Ho.

Which Bill being read was likewise Assented to by this House.

The Conferees appointed upon the Subject of the Scarcity of Tobacco October the 9th make their Report of the Conference to the House which is as follows

At a Conference held at the City of Annapolis at the House of M^r Francis Bowes on Friday October 9th 1724 Present the Honourable Col^o Thomas Addison, Col M. T. Ward, John Rousby Esq^r Members of the Upper House, the Honourable Col^o John Mackall, Thomas Bordley Esq^r James Stoddart Esq^r Captain Robert King M^r Thomas Bozman and Captain Henry Hooper, Members of the Lower House

Who made choice of Col^o Thomas Addison to be chairman and Richard Clagett Clerk.

The Conferees proceed to consider of the Subject matter of the Conference and reduce it to these three following particulars

1st How all Publick Debtors and Creditors may be made easy in Paying and Receiving the publick dues with Regard had to the Great Extremity the poor of this Province are in danger of being reduced to by the Great Scarcity of Tobacco and other country produce.

2^{dly} How far the Inhabitants shall be Relieved in the Payment of Officers fees.

3^{dly} How far in respect to Private inland Country debts

As to the first Particular it is the opinion of the Conferees that if any person take the Oath hereafter mentioned before any one Provincial or County Justice and produce a Certificate of having taken such Oath before the 25th day of December next to two Commissioners to be appointed by the Act proposed that such Oath and Certificate shall entitle them to a Supersedeas of Execution for so much Tobacco as those Certificates shall make Appear they Want to pay their Levies & that for the preventing disappointments to the people in producing such Certificates the Commissioners be

p. 109

U. H. J. Obliged to Give Attendance at their respective dwelling Houses on the 5th 6th & 7th days of January next to receive such Certificates as have not been produced to them before that time and that the Commissioners af^d shall before the [twelfth] day of January next and that every Sheriff shall by the same day of January next attend the said Commissioners at the several County Court Houses where the said Commissioners and Sheriff shall be Obliged to attend or at some convenient time between the 7th day of Jan^r next and the said 12th day of January next by them to be Agreed upon where the Sheriff is obliged to lay his List of Taxables together with his Charge of levies against every Debtor this Year before the said Commissioners

Upon which the Commissioners shall proceed to make a computation in this manner Viz. First how much the Total Amount of the Levies Viz. Public County Parish & forty per Poll amounts to in their respective Counties this Year Then to compute what defalcations are to be made for the relief of those that obtain Certificates and deduct the Sum of the defalcation from the Sum Total of the Levies and to Compute as near as they can without making Fractions of a Pound of Tobacco how much p Cent such defalcation amounts to and the said Commissioners shall in all three days time from the said 12th day of January certify to the Sheriff under their Hands and Seals a list of what he shall be Obliged to credit every Debtor for till next Year and also that it shall be lawful to make the like Defalcation Deduction p Cent from the Credits of every publick Creditor and shall be Obliged to Allow the same proportion out of his own Allowances whether the same be for Sallaries or otherwise The form of which Oath is as followeth (viz)

I, A B do declare that since I knew or heard that the Act of Assembly was made intituled an Act I have not had nor now have any Tobacco belonging to me to pay my Levies or any part thereof nor any publick or County Allowance or debts due to me from the Sheriff of this County to discount nor any debt or debts due to me from any other Person or Persons that I can now get to pay the same (in case the person has no Tobacco) but if he has Tobacco and not enough, then to add, save only about the sum of Pounds of Tobacco which I will take the best care I can to preserve and pay in part of my said Levies when thereunto Required

As to the second and third particulars that all other Tobacco Debts whether the same be for fees or otherwise more than the Levies due upon Judgm^t or Execution where the Debtor produces at any time before Payment to the Sheriff

a certificate of his having taken the following Oath before U. H. J
such Justice as aforesaid the Sheriff shall not for that year
take the Body nor the Goods or Chattels of such person in
Execution for more than what he has declared upon his
said Oath he is capable of paying and the Remainder of all
such debts unpaid shall remain in the same Circumstances
until next Year as to the matter of Law as they are in at the
time of the Debtors taking such Oath and in all such cases
where the Debtor has Tobacco sufficient only to pay part
of such debts as aforesaid and that they are indebted to
sundry persons in manner aforesaid that it be at the Election
of the Debtor to apply what Payment he makes towards the
paying such of his said Creditors as he thinks meet.

The form of the Oath is proposed to be as followeth

I A B do declare that since I knew or heard the Act of As-
sembly was made entituled an Act I have
not had nor now have any Tobacco belonging to me nor
any Publick or County Allowance or debts due to me from
the Sheriff of this County to discount nor any Debt or Debts
due to me from any other Person or Persons that I can now
get to pay toward such Debts as I am Indebted by Judgment
or upon execution to any person more than the Sum of
Except such Tobacco as I already have or must apply this
Year towards the Payment of my Levies the which Sum of
Tobacco aforesaid I will preserve and be ready to pay towards
the Satisfaction of such debts as aforesaid or some of them

And it is likewise the opinion of the Conferees that it will
render the Above provisions in respect to the second particu-
lar proposed much more effectual if such Goods as are at any
time taken in Execution for Officers fees be made liable to the
same manner of Appraisement as is directed in the Act of
Assembly for Appraising Goods taken in Execution by
Writts of fieri facias

All which is humbly Reported and Submitted to the Upper
and Lower Houses of Assembly as proper Heads for a Law
to be made for the present Relief of the country.

Signed p Order Richard Clagett Cl Confer.

A message from the Lower House by Captain King and
Captain Hooper Viz.

By the Lower House of Assembly Oct^r the 17th 1724
May it please your Honours.

We have read the Report of the Conferees appointed to
propose proper methods to Relieve the Inhabitants of this
Province from the Hardships they may sustain by means of p. III

U. H. J. the Great Scarcity of Tobacco this Year and Concur therewith with the several Additions following viz.

That two Commissioners be appointed by the Bill to be brought in to Receive Certificates

That a Provision be made in the Bill for such Persons as shall have their Tobacco taken away by distress or Execution after notice of the Law and before the making their Oath.

That the form of the Certificate be incerted in the Bill And that Relief be Provided for such as do not make Tobacco nor have any to pay away by Giving them Liberty of paying their Levies and other publick dues in Money at the rate of two Pence p Pound Currency

With Which if Your Honours concur the Bill may be prepared Accordingly

Signed p Order M. Jenifer Cl Lo Ho.

Adjourned till Monday morning

Monday October the 19th 1724

Present the same as on Saturday

A Message from the Lower House by Col^o John Ward & M^r Crabb Viz.

By the Lower House of Assembly October the 19th 1724
May it please your Honours.

We have Compared your Honours Message of the 16th Instant by Col^o Young with what his Honour the Governor was pleased to say at the close of the last Sessions and from his Honours so tenderly handing to us his Remarks on our debates we are perswaded that he did not intend such his Tenderness should be construed as a Reproach to us and We should have thought your Honours had proceeded much more Agreeable to our Governours tenderness in that part had you been pleased to have spared the Term as well as the charge Against us of Ingratitude to his Lordship a Crime which we shall Always Endeavour to preserve ourselves innocent of and hope our debating a matter of Right in a Parliamentary Way can never be liable to such an Imputation We beg Leave to Observe your Honours seem to Reassume the debates that were last Sessions concerning your Allowances as Councillors but do not find that you offer any new remark or Argument to induce us to recede from what we then resolved and we cannot find on Enquiry that any Single member has

changed his Opinion since that time We shew'd your Honours then our Reasons against the same remarks you are now pleased to make but do not find we any ways called in Question the Usefulness of a Council and are therefore Sorry your honours give yourselves the Trouble to mention it now But as it was and yet is evident to this House that there is another ample Provision made for defraying the Councillors charge of Attendance we hope Your Honours will Give us no further Trouble about the one hundred and fifty pounds of Tobacco p diem

U. H. J.

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Signed p Order M. Jenifer Cl. Lo. Ho.

Read the Report of the Conferees and the Message from the Lower House by Captain King and Captain Hooper and the following Answer made thereon

By the Upper House of Assembly October 19th 1724

This House Agrees with the Report of the Conferees appointed to propose proper Methods to relieve the Inhabitants of this Province from the hardships they may Sustain by the Great Scarcity of Tobacco and other Country Commodities this Year and with the Additions proposed in your Message by Captain King and Captain Hooper with a further Provision to be made against such as shall be found transporting themselves and their Effects Out of the Province

Signed p Order Sam^l Skippon Cl Up Ho.

Sent by Esq^r Lloyd.

The Clerk of this House prayed that in Regard of his Weakness and Indisposition and the Increase of Business he may have an Assistant Allowed him during the remaining part of this Session and M^r Richard Tilghman Junior was Appointed his Assistant who being duly Sworn was Admitted Accordingly

Read the Bill for the Relief of such as have suffered by the Breach of the Tobacco Laws &c^a and the following endorsement made thereon viz.

By the Upper House of Assembly October the 19th 1724.

This Bill being read will pass the third Paragraph therein being wholly Omitted and the following Amendment incerted in the fourth Paragraph (that is to say) since the last day of June last past

Signed p Order Samuel Skippon Cl Up Ho.

U. H. J. Sent by Col^o M. T. Ward

The committee appointed to View the Work of the Gate House report as follows viz.

That the Underpinning be finished

That the turning of the Arch of the Chimney above Stairs to be made a Brick thicker

The Plaistering Above Stairs to have the Cracks and Breaches fill'd up & to Give it a White Wash

To make the Chimnies at the Gable End tite and Workmanlike

To Shift all the Bad Plank in the Weather Boarding

Read the Bill for Cutting off the Intail in a Tract of Land called Billingsley's Point &c^a & thus Endorsed.

p. 113 By the Upper House of Assembly October 19th 1724

Read and will Pass with a Clause Added setting forth the purport of the release mentioned in the Petition.

Signed p Order Sam^l Skippon Cl Up Ho.

The Petition of Patrick Creagh praying a further Consideration of £17. 12. 8 in regard of the Hardness of his Bargain in Building and Repairing Ann Arundel County Goal was read and thus endorsed viz.

By the Upper House of Assembly October the 19th 1724

Read and Referred to the Consideration of the Lower House of Assembly.

Signed p Order Sam^l Skippon Cl Up Ho.

Sent by Esq^r Rousby.

The Petition of some of the Inhabitants of Great Choptank River in Dorchester County praying that a Bill may be brought in to divide the Parish of Great Choptank was read and thus endorsed viz^t

By the Upper House of Assembly October 19th 1724

Read and referred to the Consideration of the Lower House of Assembly.

Signed p Order Samuel Skippon Cl. Up. Ho.

Sent by Col^o Young.

Read the Bill in favour of Gabriel Parker &c^a thus endorsed U. H. J.
viz.

By the Upper House of Assembly October 19th 1724.

Read and will Pass

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Col^o Addison

Read the Bill for the Relief of Col^o Ephraim Augustine
Herman & thus endorsed Viz.

By the Upper House of Assembly October 19th 1724

Read and will Pass.

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Col^o Tighman

Adjourned till Morning

Tuesday October the 20th 1724

Present as Yesterday

A Bill from the Lower House by M^r Crabb and Captain
Hooper intituled a Supplementary Act to the Act for trying
matters of Fact in Counties where they have arisen and
shall arise Continuance of Actions in the Provincial Court
and Adjournment of that Court thus endorsed.

By the Lower House of Assembly October 20th 1724

Read the first and second times & will Pass.

Signed p Order M. Jenifer Cl Lo. Ho.

Read also in this House and Ordered to lye on the Table

A Message from the Lower House by M^r Tyler & M^r Boz-
man Viz

By the Lower House of Assembly October 20th 1724

May it please your Honours.

This House taking into Consideration the heavy Burthen
the Inhabitants of this Province Labour under by the Great p. 114
Charge of the Publick dues and Officers fees are desirous that
an Abatement of One half may be made therein and recom-
mend the same to your Honours Consideration.

Signed p Order M. Jenifer Cl Lo Ho.

U. H. J. A Bill from the Lower House by M^r Solomon Wright & M^r Chaires Intituled an Act for confirming a certain deed of Settlement made by Robert Proctor of Certain Lands and Tenements therein mentioned to his then Wife Rachel now call'd Rachel Freeborn and to Invest the said Rachel with Other Lands in Pursuance of One deed of Gift or Settlement thus endorsed Viz.

By the Lower House of Assembly October 20th 1724
Read the first and second times by Especial Order & will Pass.

Sign'd p Order M. Jenifer Cl. Lo. Ho.

A Message from the Lower House by M^r Tyler & three others viz.

By the Lower House of Assembly Oct^r 20th 1724.
May it please your Honours.

As we hope your Honours intended some further Answer to our Message of the 10th Instant by Col^o Mackall and five others than what you were pleased to make us on the 16th Instant by John Hall Esq^r & that we are informed by M^r Attorney General that he has some days since laid before your Honours the form of an Oath Agreeable to the Constitution; We hope your Honours will Excuse our reminding you thereof and our desiring to know how far you are pleased to Approve of that Form for as the Liberties and Properties of the People can never be preserved by Laws unless those Laws be made the Rules of Judicature and that the forms of the Judges Oaths are Essential to the due Administration of Justice according to those Rules we hope your Honours will readily Joyn Your Endeavours with us in so Essential a Step towards the perpetuating this Great Security of your own as well as the Rights of every other Subject.

Signed p Order M. Jenifer Cl Lo. Ho.

An Engrossed Bill from the Lower House by M^r Crab and M^r Oldham Intituled An Act for the Relief of such Persons as have been convicted on the Breach of the Tobacco Laws unheard thus Subscribed

October the 20th 1724
Read and Assented to by the Lower House of Assembly &
Signed p Order M. Jenifer Cl. Lo. Ho.

Which Bill being read is likewise Assented to by this U. H. J.
House

Adjourned till Morning

October the 21st 1724

Present as Yesterday

John Beale Esq^r and M^r Richard Warfield introduce Cap- p. 115
tain Daniel Marriarte a Member elected to serve for Ann
Arundel County in the Room of M^r Joseph Hill deceased in
Order to his Qualification who takes the several Oaths ap-
pointed by Law and Subscribed the Oath of Abjuration and
Test and withdrew

Read the Bill in Favour of Rachel Freeborn and thus en-
dorsed Viz.

By the Upper House of Assembly October the 21st 1724
Read and will pass

Signed p Order Samuel Skippon Cl Up Ho.

Sent to [the Lower House by] Esq^r Bowles

Read the message brought yesterday by M^r Tyler and M^r
Bozman and the following Answer prepared thereto viz.

By the Upper House of Assembly October 21st 1724
Gentlemen.

On reading your Message of the 20th Instant by M^r Tyler
& M^r Bozman we Observe you therein propose an Abatement
of the one half of the publick dues and Officers fees within
this Province A proposall so unreasonable and Unbecoming
that Justice and Honour which Ought to be the rule of a
Legislative Power that we can by no means Concur with you
therein for altho' we may dispose of our own rights as we
please yet we cannot without the Greatest Injustice deprive
those who have a Right to publick Claims or Officers fees of
any Part of that which by particular Contracts or the stand-
ing Laws or Customs of this Province becomes their due But
to let you see that our House is as inclinable to Relieve the
Necessities of the people in this time of Scarcity of Tobacco
as you can be we are willing not only to abate the one half but
even the whole of our Allowance for attending at this Session
of Assembly Provided You will in like manner ease the pub-
lick charge from your Allowances in which we desire your
Concurrence.

U. H. J. Sent to the Lower House by Col^o Ward.

Two Engrossed Bills from the Lower House by M^r Walter Smith and M^r Hudson viz.

An Act to cutt off the Entail of a certain Tract of Land called Billingsleys Point and to Enable John Jordan to make Sale of the same

An Act Investing an Estate of Inheritance in fee Simple of a Tract of Land called little Bohemia or Bohemia middle Neck in Ephraim Augustine Herman of Cecil County Gent and his heirs forever and to cutt off the Entail thereof and to make Good and Valid any Sale thereof to be made by the said Herman or his Heirs aforesaid severally thus Subscribed Viz.

October the 21st 1724.

Read and Assented to by the Lower House of Assembly & Sign'd p Order M. Jenifer Cl Lo. Ho.

Which Bills being read are likewise Assented to by this House

p. 116 The petition of Patrick Creagh praying leave to bring in a Bill to invest him and his Heirs forever in a right of Inheritance in fee Simple in a Swampy Peice of Ground Originally designed for a Custom House lying between Governor Nicholsons Lott and the Lott of Benjamin Tasker Esq^r to improve the same and to Build a Wharf thereon for the Benefit of the publick was read and thus endorsed,

By the Upper House of Assembly October 21st 1724

Read and Referred to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Cl Up Ho.

Adjourned till morning

Thursday October the 22^d 1724

Present the same as Yesterday

Read the Message of the 20th Instant by M^r Tyler and three others & the following answer prepared thereto.

By the Upper House of Assembly October 22^d 1724
Gentlemen.

In the Close of your Message of the 10th Instant by Col^o Mackall and five others you recommend such draught of an

Oath for the Judge of the Provincial Court as should be laid before us by M^r Attorney General as more Agreeable to our Constitution than the Oaths now in use by reason of some defects found in them which as you conceived proceeded from the frequent and careless transcribing of them by young and careless Clerks

U. H. J.

We are willing to joyn with your House in restoring the Ancient Usages of this Province by removing all such defects as should appear to have crept into the form of the Oath to the Prejudice of our constitution and therefore proposed in our message of the 16th Instant the amendment of all such defects and intended to have Governed ourselves by such Antient forms when sent down to us as well as by the draught of the Oath laid before us by M^r Attorney General

But forasmuch as we conceive by your Message of Yesterday that no such defects as you referred to in that Message are designed to be laid before us we fell upon the consideration of that draught of the Oath brought in by M^r Attorney General and find essential deviations from the Antientest forms of the Oaths (as appeared to us by the usual forms exhibited by the Clerks of the Office) whereby the Judges of our Courts if such Oath should be imposed upon them would be entirely Arbitrary in their Proceedings of what Laws & Statutes of England are most Agreeable to our Constitution and what not, whether they Import Conveniency or ruin to the good People of this Province

However to manifest our ready condescension in whatever may be found Useful towards the perpetuating the security as well as the rights of his Majestys Subjects within this Province we are willing to concur with you in the Alterations propounded so far as they relate to the Letters of the Lord Proprietary or any other Person in Obstruction to Justice which we Acknowledge ought to be indifferently administred without regard to such Letters for we are entirely of Opinion with you that the Liberty and Property of the People can never be preserved unless the Laws are made the Rule of Judicature but then we think it Absolutely necessary that all such Laws should be in some manner or other apprehended and made known to the Judges lest different Judgments in things of like nature should be Given at different times through the variety of Opinions in what Statutes do and what do not extend to this Province and the Judges themselves be reduced to the last extremity of declaring upon Oath in matters which appear altogether doubtful & uncertain to them

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We therefore conceive that your House will have some Reason to be Satisfied with the Alterations proposed as above

U. H. J. for the present until the Lord Proprietary shall have advised his Governor and Council of State whether such further Alterations as are contained in M^r Attorney Generals draught relating to the Oath of a Judge be found to be consistent with his Lordships Charter and Agreeable to the constitution and publick Weal of this province wherefore if you Approve thereof We shall Willingly Join with you in directing the Alteration Above Proposed to be made in the form of the Oath to be hereafter taken by all the Judges of the Court of Judicature

Signed p Order Samuel Skippon Cl. Up. Ho.

Sent by Col^o Holland and Col^o Young

A Message from the Lower House of Assembly by Captain Harrison & M^r Hopkins Viz.

By the Lower House of Assembly October the 22^d 1724
May it please your Honours.

We have read the report of the Committee appointed to View the Stadt House and concur therewith in all the parts except that instead of the Windows of the Court House being six foot and an half in height we are of opinion that six foot will be sufficient and desire your Honours Concurrence therein that proper Workmen may be treated with to make the necessary Repairs

Signed p Order M. Jenifer Cl Lo. Ho.

A message from the Lower House of Assembly by M^r Gant & M^r Harrison viz.

By the Lower House of Assembly October the 22^d 1724
May it please your Honours

Our Proposall of the 20th Instant by M^r Tyler & M^r Bozman
p. 118 was Subjected to Your consideration as a part of the Legislature for your concurrence as the foundation of a Law only which we believe might have been formed and drawn under such provisos and Restrictions as would not have rendered the Legislative Body of this Province liable to the Imputation of being either Unjust or Unreasonable and we are sorry to find Your Honours give so great a check to the Freedom of Proposals as to suppose any that are made by this House to have been made with such Views where they admit of a more Parliamentary Way of Construction We nevertheless Acknowledge your Honours just Abhorrence of suffering any thing that seems Unreasonable or unjust to Pass your

House tho we cannot take the Proposall Objected to, to be any instance of it & we declare the like Abhorrence and hope both Houses of Assembly In this Concurr unanimously, but as your Honours propose only the Abating the Allowances for Attending this Sessions it would be too inconsiderable a Relief to be Worth the notice of this Legislature and be chiefly a Relief to such Persons whose Circumstances enable them much better to pay than we to Abate the Charge of our Attendance

Signed p order M. Jenifer Cl Lo Ho.

An Engrossed Bill from the Lower House of Assembly by M^r Tyler and M^r Crabb entituled An Act declaring what Estate Gabriel Parker and Ann his Wife John Abington and Mary his Wife, William Hutcheson and William Pile and Elizabeth his Wife have in the Lands severally devised to them by William Hutcheson Gentleman deceased

October the 22^d 1724

Read and Assented to by the Lower House of Assembly &
Signed p Order M. Jenifer Cl Lo. Ho.

Which Bill being read is also Assented to by this House
Read Again the Supplementary Act to the Act for Trying matters of Fact. And the following Endorsement made thereon viz.

By the Upper House of Assembly October 22^d 1724
Gentlemen.

On reading this Bill we Observe first that to Allow Bills of Exceptions in Criminal causes will give Great Encouragement to ill People who through want of Experience in the Clerks and other Officers attending the Judges in their circuits may too often escape punishment (tho' they Justly deserve it) by the Assistance of Council. Secondly the allowing the county Justices who shall be Associated to the Judges voices in criminal causes will be an innovation made upon the British constitution to which we desire to conform as far as is consistent with our own Thirdly the Restraint upon the Judges in Petty Felonies seems to be of ill consequence for they may well try such and so many as in their discretion there may be time for and as the Aggravation of the Crime may deserve and refer the rest to the County Courts which will be a Great check to Villany. fourthly to allow of Removals to the Provincial Court will bring frequent Trials of matters of Fact thither which is contrary to the design of the

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U. H. J. former Act For which Reasons this Bill will not pass as it now stands

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Esq^r Hall

Benjamin Tasker Esq^r appointed on the Committee for viewing the Stadt House gave in the Report of the Committee to the House which being read was Agreed to and is as follows viz.

The Report of the Committee appointed by the Honourable the Upper and Lower Houses of Assembly to View the Stadt House and consider what necessary Repairs it wants

22^d October 1724

Report that the Plaistering in the Passage in the Chancery Council Assembly Naval and Mayors Court Offices all on the Upper Floor is very much broke also the Chancery and Council Offices want Shelves and there wants a Door at the Head of the Ladder Going to the Turrett

Also Report that in the Passage and all the Offices of the first floor the Plaistering is much Broke

Also Report that the two Jury Rooms want new Doors

Also Propose that the windows on the first floor which are now four foot wide and four foot ten Inches high be reduced to three foot wide & continue the present height and that they be sashed with Glass the panes to be eight and ten Inches the Sills of the Window to be of Locust or Cedar and the other part of the Frame as well as the Sash frame to be of Black Walnut Also that there be Shutters on the Out side and Iron Hooks to set them open to be fixt in the Sills of the Windows with Hooks and Staples to fasten them in the inside and Springs for the Sliding Sashes

Also propose that there be new Stairs to the first half pair and all the Plaistering on the Stair case mended and that the Closets underneath the Stairs be closed up. Also propose
p 120 that the two Side Windows upon the Stairs be four foot & a half in height and three foot wide and that the two small Windows at the Top of the Stairs be closed up.

Also Propose that the Windows of the Court House be Six foot & an half in Height and three foot in breadth and sasht with Shutters as on the first floor above Stairs

Also Proposed that there be new folding doors to the Back Porch & a new Sill and top Peice to the Door Frame of Locust or Cedar and that there be three new Planks laid in the porch Floor Also that the front Doors and frame be all new

also that the floor of the Court House and Floor of the Front U. H. J.
Porch be laid with New Castle Stone the present floor being
much decayed and Almost Worn through Also that the
Plastering within the Court House and Porch be mended and
that the Outside of the whole House be repaired with Bricks
where any are wanting and then to be all over rough cast

Sign'd p Order John Gibson Cl. Com.

Read the Message relating to the Stadt House and the
following Answer prepared thereto Viz.

By the Upper House of Assembly October 22^d 1724
Gentlemen.

This House concurs with you in your Message this day by
Captain Harrison and M^r Hopkins relating to the Repairs
of the Stadt House so that proper Workmen may be treated
with Accordingly

Signed p Order Samuel Skippon Cl. Up. Ho.

Sent by Col^o Addison

The Representation of Christopher Wilkenson Jacob Hen-
derson Peter Fustian James Cox and Samuel Skippon re-
lating to a Jurisdiction to be erected for the better Govern-
ment of the Church and Clergy complaining thereof and
offering their Assistance therein was read and thus endorsed

By the Upper House of Assembly October 22^d 1724

Read and Referred to the Consideration of the Lower
House of Assembly

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Esq^r Lloyd.

Adjourned till morning

Friday October the 23rd 1724

Present the same as yesterday.

A Bill from the Lower House by M^r Warfield and Captain
Hooper Intituled a Supplementary Act to the Act Intituled
An Act for the Relief of debtors and Ascertainig the man-
ner of Tenders in Tobacco thus indorsed Viz.

By the Lower House of Assembly Oct. 23^d 1724

Read the first and second times & will pass.

Signed p Order Mich^l Jenifer Cl. Lo. Ho.

U. H. J. Read the Message concerning the Allowances of October
p. 121 the 19th by Col^o John Ward and M^r Crab and the following
Answer prepared thereto viz.

By the Upper House of Assembly October the 23^d 1723
Gentlemen.

It is strange to us that it should be evident to you that an ample provision is made for defraying the Charge of the Councillors Allowances by the Revenue Raised for Support of Government when you by your Message of the 25th of October last by M^r Tyler and five Others have acknowledged that it is his Lordships Option whether he will appropriate any part of the Revenue for that purpose or not Certainly Gentlemen if you were not possest with Overmuch Zeal for your Country you would Agree to make the usual Allowance of 150 Pounds of Tobacco p day for the Councillors Attendance until that Affair shall be fairly Adjusted with his Lordship but if you will not we shall postpone any further debate thereon to another opportunity always Reserving to Our selves a liberty of Claiming the aforesaid Allowances of One hundred and fifty Pounds of Tobacco p day for our Attendance as A Council of State as a just and indubitable Right

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Col^o Tilghman

Read the Supplementary Bill to the Act for relief of Debtors and thus further endorsed

By the Upper House of Assembly October 23rd 1724
Read and will pass

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Col^o Ward

Three Bills from the Lower House by John Beale Esq^r & Captain Hooper viz

An Act to confirm unto William Anderson of Ann Arundel County Planter a certain Tract of Land hereinafter mentioned

An Act to enable John Cheney and Mary his Wife to sell in fee Simple three Hundred Acres part of a Tract of Land call'd Waterford notwithstanding the same is specially entailed on the Heirs of the Body of the said Mary by Benj^a Williams of Ann Arundell County

An Act for the naturalization of John Swineyard of Baltimore County Planter Severally thus indorsed viz. U. H. J.

By the Lower House of Assembly Oct^r 23rd 1724
Read the 1st & 2^d time by Especial order and will pass.
Signed p Order M. Jenifer Cl Lo Ho.

Which Bills being read were severally thus endorsed viz.

Read and will pass
Signed p Order Sam^l Skippon Cl. Up. Ho.

Sent by James Bowles Esq^r
Read the Message of the 16th Instant relating to the charge of the Commissions of Assize and the following Answer prepared thereto p. 122

By the Upper House of Assembly October 23^d 1724
Gentlemen.

We have recommended to his Honour the Governor your Message of the 16th Instant relating to the Charge of the Commissions of Assize and he has been pleased to Assure us that he will cause those Commissions to be Regulated for the future according to your request in the said Message.

Signed p Order Samuel Skippon Cl Up Ho.

Sent by John Rousby Esq^r
Adjourned till Saturday morning

Saturday October the 24th 1724

Present as yesterday.

Four Engrossed Bills from the Lower House by M^r Hooper & M^r Bozman viz.

A Supplementary Act to the Act Entituled An Act for the relief of Debtors and Ascertaining the manner of tenders in Tobacco

An Act to confirm unto William Anderson of Ann Arundel County Planter a certain Tract of Land hereinafter mentioned.

An Act for the naturalization of John Swineyard of Baltimore Co^{ty} planter

An Act for confirming a certain Deed of Settlement made by Robert Proctor of certain Lands and Tenements therein

34 *Assembly Proceedings, October 6–November 4, 1724.*

U. H. J. mentioned to his then Wife Rachel now called Rachel Freeborn and to invest the said Rachel with other Lands in pursuance of one Deed of Gift or Settlement.

Which said Bills are Severally thus Subscribed viz.

October the 24th 1724.

Read and assented to by the Lower House of Assembly &
Sign'd p order M. Jenifer Cl. Lo Ho.

Which Bills being Read are likewise Assented to by this House

A Bill from the Lower House by M^r Tyler and M^r Warfield Intituled An Act Relieving the Inhabitants of this Province from some difficulties they may lye under in paying their Levies Officers fees and other Country Tobacco debts thus endorsed viz.

By the Lower House of Assembly October 22^d [1724]

Read the first time and ordered to lye on the Table

Signed p Order M: Jenifer Cl lo Ho.

Atque infra

By the Lower House of Assembly October the 24th 1724

Read Again the Second time and will pass.

Signed p Order M. Jenifer Cl Lo Ho.

Which Bill was read and Ordered to lye on the Table for the Inspection of the members of the House

The House taking it into their consideration that the Act for the Limitation of Officers fees was near upon Expiring prepared the following message thereon to the Lower House Viz.

p. 123 By the Upper House of Assembly October the 24th 1724
Gentlemen.

We find that the Act of Assembly for the Limitation of Officers Fees expires the 25th day of December next and therefore propose that a reviving Bill be prepared to revive it for a longer time

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Benj^a Tasker Esq^r

A Message from the Lower House of Assembly by M^r Beale & Captain Hooper viz. with the Supplementary Bill for trying matters of Fact &c.

By the Lower House of Assembly October the 24th 1724 U. H. J.
May it please Your Honours

In answer to your objections to the Supplementary Bill to the Act for trying matters of Fact in the Counties We desire your Honours to consider first that Bills of Exception are only the reducing matters Given in Evidence to Writing while they are fresh in the Memory of Judges which we conceive cannot possibly be attended with any Inconvenience but on the Contrary the Judges will have an Opportunity of deliberately considering what the Law is upon such a fact and by that means prevent the mischiefs that may happen either by the Jurys mistaking the Weight and Effect of the Evidence their taking upon them the determination of matters of Law (which they are not Judges of) and mistaking the Law and the precipitancy of the Judges themselves any of which may be the ruin of an Innocent man and his family or the means of a Guilty Persons escaping. Just punishment besides as it is the duty of the Judges to see that nothing but Truth be incerted so it is the duty of the Attorney General or other Council Concerned for his Lordship to see that the Bills of Exception are Regularly drawn. Secondly that the Allowing the Associates Voices in Criminal cases is so far from being an Innovation in the British Constitution (which ought to be our pattern) that it is exactly Agreeable to it, as appears by the forms of the Commissions and Writts of Association Thirdly, that the motives inducing this House to desire that the Justices of Oyer and terminer should not try matters within the cognisance of the County Courts are first to prevent the said Justices being hindered to proceed in matters that must be determined before them and Secondly to lessen the Expençe of poor people that may be either Unjustly Accused or ignorant Transgressors which We hope may be Provided for by a clause in the Bill that nothing triable in the County Courts should be triable elsewhere except in cases of Necessity or doubt and that in all such Cases the fees of all kinds before the Judges of Assize shall be no more than those Allowed in the County Courts.

And fourthly that Tryals at the Bar where the nature of the case and the furtherance of Justice require them are the undoubted right of the Lord Proprietary and of the [people] by the Laws of England & consequently that the preventing such a Trial in any case would be inconsistent with the Constitution and we cant Apprehend the least danger of the Provincial Courts allowing any such Trials but where they are necessary & the Removalls proposed to the Provincial Courts are not intended to bring frequent Trials of Matters

U. H. J. of Fact thither but only to lay those matters already Given in Evidence before that Court in such a manner as to Give the Judges an Opportunity of determining the Law arising upon such fact in difficult Cases which will as well in a Great measure prevent Peoples being prejudiced by the mistakes or Ignorance of Juries and the Weakness of their own Council as Give an Opportunity of debating and Adjudging the matter so fully as to save the Expence of many Chancery Suits in Civil Controversies Wherefore We desire your Honours Concurrence and that the Bill may pass

Signed p Order M. Jenifer Cl Lo. Ho.

Adjourned till Monday Morning.

Monday October the 26th 1724

Present as on Saturday.

A Bill from the Lower House by M^r Dashiell and M^r Taylor intituled An Act repealing part of An Act Intituled An Act laying an Imposition on Negroes and several Sorts of Liquors imported and also on Irish Servants to prevent the importing too Great a number of Irish Papists into this Province thus endorsed viz.

By the Lower House of Assembly October 26th 1724

Read the first and second times by especial Order and will Pass

Signed p Order M. Jenifer Cl. Lo. Ho.

Which Bill was read and thus further indorsed viz.

By the Upper House of Assembly October the 26th 1724

Read and will Pass

Signed p order Sam^l Skippon Cl Up Ho.

Sent by Philemon Lloyd Esq^r

A Message from the Lower House by M^r Crab and Captain Hooper with a Bill for the relief [of] Several prisoners The message as follows

By the Lower House of Assembly October 26th 1724

May it please Your Honours

This House being informed that some Abstracts laid before the right Honourable the Lord Proprietary by William Vanhaesdock Riddlesden who now calls himself William Corn-

wallis concerning some Lands within this Province are now U. H. J. in the Hands of M^r Secretary Lloyd which Abstracts are Supposed to be forged by the said Riddlesden this House desires the Perusal of the said Abstracts and that your Honours will be pleased to Recommend the same to his Honour the Secretary. p. 125

Signed p Order M. Jenifer Cl Lo Ho.

The Bill thus indorsed Viz.

By the Lower House of Assembly Oct^r 26. 1724

Read the first and second times by an especial Order and will pass.

Signed p Order M. Jenifer Cl Lo Ho.

A Message from the Lower House by M^r Oldham & M^r Hopkins viz.

By the Lower House of Assembly October the 26th 1724
May it please your Honours.

We are willing that the same members of this House as were of the Committee appointed to View the Stadt House should be joynd with such of the members as shall be appointed by your Honours of your House to treat with proper Workmen about the necessary Repairs of the Stadt House according to the Report of that Committee with which we desire your Honours concurrence

Signed p Order M. Jenifer Cl Lo Ho.

Read the Message brought this day by M^r Crab & Captain Hooper and the following answer prepared thereto Viz.

By the Upper House of Assembly October the 26th 1724
Gentlemen.

Upon reading Your Message Of this day we have requested M^r Secretary Lloyd to lay before you M^r Cornwallis's Abstracts of Land Rights which Abstracts together with his petition to the Lord Proprietary is herewith sent you according to the desire of your House so that if any Forgery be found therein it may be detected

Signed p Order Samuel Skippon Cl Up Ho.

Read the Prisoners Bill & thus indorsed Viz.

By the Upper House of Assembly October 26th 1724

Read and will pass with this Clause to be added that such Persons as Leave this Province shall be liable notwithstanding-

U. H. J. ing any thing in this Act to be sued for their debts as if this Act had not been made

Signed p order Samuel Skippon Cl Up Ho.

Sent the Above Answer and Bill by Col^o Addison

A Bill from the Lower House by John Beale Esq^r & M^r Edward Wright Intituled An Act for securing the rights and Inheritance of sundry the Inhabitants within this Province against certain Impositions by pretence of suspected deeds thus endorst Viz.

By the Lower House of Assembly October the 26th 1724
Read the first and second times by especial Order & will Pass

Signed p Order M. Jenifer Cl Lo. Ho.

Which Bill was read and thus further Endorst.

By the Upper House of Assembly October 26th 1724
Read and will Pass.

Signed p Order Samuel Skippon Cl. Up. Ho.

p. 126 Read the Message of this day by M^r Oldham and M^r Hopkins & the following Answer prepared thereto viz.

By the Upper House of Assembly Oct^r the 26th 1724.
Gentlemen.

This House does Appoint Benjamin Tasker Esq^r who was formerly appointed of the Committee to View the Stadt House to joyn with those members appointed of your House to treat with proper Worknen about the necessary Repairs of the Stadt House.

Signed p Order Sam^l Skippon Cl Up Ho.

Sent by Col^o Tilghman the above Answer & Bill
Adjourned till Tuesday Morning.

Tuesday October the 27th 1724

Present as Yesterday

Two Bills from the Lower House by M^r Tolley and M^r Hamilton viz.

One Engrossed Bill Intituled An Act repealing An Act intituled An Act laying an Imposition on Negroes and several Sorts of Liquors imported and also on Irish Servants to

prevent the importing too Great a Number of Irish papists U. H. J.
into this Province thus Subscribed Viz.

October the 27th 1724

Read and Assented to by the Lower House of Assembly &
Signed p Order M. Jenifer Cl. Lo. Ho.

Which Bill being read is likewise Assented to by this
House

One Other Bill intituled An Act for the Relief of the
Devises of James Philips the Elder and Anthony Philips late
of Baltimore County deceased thus indorsed Viz.

By the Lower House of Assembly October 26th 1724

Read the first and second times by especial Order and
will pass

Signed p Order M. Jenifer Cl Lo. Ho.

A Message from the Lower House by M^r Tyler & Captain
King viz.

By the Lower House of Assembly Oct^r 27th 1724

May it please your Honours.

Having considered the Representation of the Clergy sent
us from your Honours and that it hath Appeared to us that
some Clergymen within this Prvince Have misbehaved them-
selves in a manner so Inconsistent with their Character and
Prejudicial to Religion that instead of being Guides to the
people and preventing their being misled by Popish Priests
and Other Enemies to the Church of England their Misbe-
haviour & ill Example have been the most prevailing motives
with several Weak people to forsake the Communion of the
best Church in the World and with others to look upon all
Religion as an Imposture and a cheat & for that the Irregu-
larities complained of are presumed to be owing in a Great
measure to the Want of some Judicature to correct the Of-
fendors who as appears by the Representation now before us
claim an Exemption from any Jurisdiction in the Hands of
Laymen And that we see no Probability of any Jurisdiction p 127
being established which some to avoid Just Punishment will
not have the same Objection to We think it our indispensable
duty until the Establishment of an Unexceptionable Judicature
to make use of all the means in our Power to put some check
to practices so destructive of our Religion and We do not make
the least doubt of your Honours Assistance and Concurrence

U. H. J. in so necessary a Work, nor but that such of our Clergy as conscientiously discharge their Duty which we hope are the Greater number will Contribute their Endeavours to Curb the misbehaviour of men of their own Order whose Actions tend to Overthrow what by the most Sacred Obligations they ought to Support

Signed p Order M. Jenifer Cl. Lo. Ho.

An Engrossed Bill by M^r Sherwood and one more thus intituled An Act for Securing the rights and Inheritances of sundry the Inhabitants within this Province against certain Impositions by pretence of suspected deeds thus Subscribed Viz.

October the 27th 1734

Read and Assented to by the Lower House of Assembly & Signd p Order M. Jenifer Cl. Lo. Ho.

Which Bill being read is also Assented to by this House
The Report of the Committee of Aggrievances from the Lower House by Col^o Mackal & M^r Crab Viz.

By the Committee of Aggrievances October 22^d 1724

On the many complaints referred this Session to the Examination of your [Committee] concerning the Abuses offered by Sheriffs in their Office We humbly offer our Sence of them in General that they seem to arise from an Uneasiness betwixt the Sheriffs and the People often occasioned by private dislikes of the Person of the Sheriff and often from the Sheriffs discharging his duty according to Law tho' perhaps without shewing them [such] Indulgences as he reasonably might without Infringing it. The particular Complaints that have been referred to us have Appeared to be no otherwise Grounded but we find the Act made in 1723 Entituled An Act Reviving and Continuing an Act Entituled An Act for Limitation of Officers fees and for Supplying some defects therein encourages Several of the Sheriffs to Charge fees for executing Levies and publick dues which was in our humble opinion neither Legal nor in practice before that Act was made And forasmuch as it seems to this Committee that the small advantage of such Execution fee may prevail on some minds that may be mean enough to Suffer it to Execute persons without any other Cause than that of encreasing their Gain by the fee and that the only end
p. 128 of giving the Sheriff the Power of Executing for Levies was the better to enable him to collect and secure the publick dues and to render his Office more Easy to him in this part with-

out intending to put it into his own power to increase his fees by such his power to Execute the allowing such fees is therefore humbly Offered as an Aggrievance and Also that some Sheriffs insist upon a discount of 10 p Cent for paying What they owe and Refuse to discount debts due from themselves to the order of their Creditors on pretence the Act for direction of Sheriffs only relates to the Person of the Creditors and not to his order, or some such like frivolous pretensions

Your Committee further humbly Offers (according to the Paroll Instructions they have received from your Honours) that on a full consideration of the Circumstances of this Office the many Complaints that are Yearly offered to the Assembly to the great delay of other publick Business and the general Murmurs of the People concerning them can scarcely be prevented or remedied by any certain Written Rules of Direction in that part for as the Sheriffs in this Province by having the General Collection of all publick dues and Officers fees as well as by other duties and powers rightly annexed to their Office have a much Greater Influence upon the people than Sheriffs or any other Officers in England known to your Committee and that there Office consists of so many Several kinds of Duties as are Scarcely Reducable to certain Rules the most likely way to make the Sheriff and People easy with each other would be to make them in some Sort dependant on each other so that it might be the Interest of the Sheriff to recommend himself to the People by an equal Just and tender Execution of his Office and the people might be endeared to the Sheriff by having him one of their own Choice who would Surely be so Acceptable to them as that they would not complain against him without cause and if they had cause they might have Liberty at the end of a reasonable Term to make a better Choice and be themselves answerable as Sureties for his Good Demeanour in his Office by this Viz. By a free Election of Sheriffs according to the Common Law of England. Your Committee conceives all troublesome Clamours would be avoided and all Impositions on the Governor or prime Minister for the time being prevented by having persons recommended to him as fit for those Offices that may be Unworthy or perhaps Unqualified by Law as (your Committee is informed) was the Case of the present Sheriff of Cecil County who had not been three years in the Province before he had Obtained that Commission nor as some alledge was either then or yet a Freeholder and the Governor be thereby eased of the Trouble of importunate Sollicitations & of the pain of being sometimes Obliged to deny the request of whom he respects when perhaps more than one may sol-

U. H. J

U. H. J. licite at one and the same time for the same Office that one
p. 129 only can be Obliged in and as the Grant of that Office is of no
Advantage but a Trouble to the Person Granting it We hope
it may be thought the rather Conducive to the common Satis-
faction of Prerogative and people and by this means also
the many Neglects of taking no Sureties or of taking such
as are not Sufficient to Answer the publick debts And all the
ill Consequences thereof will in the Opinion of your Com-
mittee be effectually Remedied the Electors of such Sheriffs
being Answerable for him as the Electors of Coroners are
at this day in England.

Signed p Order Ninian Mariarte Cl Com Agg^s

Which said Report was thus endorst viz.

By the Lower House of Assembly October 27th 1724.

May it Please your Honours

Our Committee of Aggrievances having made the within
Report with which this House Concurr have thought fit to
communicate the same to your Honours for your Consider-
ation.

Signed p Order M. Jenifer Cl Lo Ho.

Adjourned till Wednesday morning

Wednesday October the 28th 1724.

Present as yesterday

A Message from the Lower House of Assembly by Col^o
Mackal & five others viz.

By the Lower House of Assembly October 27th 1724

May it please your Honours

Your Message of the 22^d Instant seems to Object Against
the form of the Oath of Judge because it essentially deviates
as you are pleased to Observe from the Antient forms of the
Oaths used but as such deviations might have been occasioned
by the mistakes of Copying Clerks we should have hoped
that Observation would not have deserved your notice if
there were no Deviations in them from the Essentials of the
Constitution and we hope your Honours will not find any
Deviation of that kind Whatever seems in your message to
import it We presume arises from your Honours misexpress-
ing your Sentiments of the constitution or your misappre-
hension of the Oath & [not] from any impropriety in it.

Your Honours are pleased to Observe that by the Oath U. H. J. proposed the Judges would be entirely Arbitrary in their determination of what Laws and Statutes of England are most Agreeable to our Constitution We cannot conceive the Judges would be under less Restraint by that Oath which mentions the Laws of England than they were by the former Oath which was more General for that requires them in all Articles of their Commission to do equal Right to the Poor as well as to the Rich to the best of their cunning skill & knowledge and According to the presidents and customs of the Province and it is one of the Articles in their Commission to determine according to the Laws of England &c^a And the presidents and customs of this province have been always to try and determine according to those Laws and therefore We think Your Honours cannot well conclude the Judges by this Oath cou'd or would be Arbitrary unless they always have been so which we are well Assured the honble Judges in your House as well as those in ours never took themselves to be in the Point debated nor we believe any others of the Judges that have the Honour to execute his Lordships commission p. 130

Besides we beg Leave to Observe the form of the Oath laid before you by M^r Attorney is to Oblige the Judges to execute their commission according to the Laws Statutes and Reasonable customs of England and Acts of Assembly and Usage of the Province of Maryland so that we doubt not but the honourable Judges would readily construe those Words to Oblige them to Judge no otherwise according to the Laws of England than is consistent with the Acts of Assembly and usage of this province for that all those Words are to be taken together and relate to one Rule of duty and not to several Rules of duty and we hope your Honours will not Suppose the import of the words in the Oath proposed to be more Uncertain now or of other consequences than the import of the like Words in the Commission which the Judges were Sworn to execute was formerly unless we are so Unhappy as to render the Oath less intelligible by endeavouring to explain it & make it more particular And we cannot conceive what Danger of Ruin to the People your Honours can be apprehensive of from Judging them by any Law of the Laws of England according to the Usage of this Province [or] which is the same thing in the manner we have been ever Judged [by] according to those Laws. We have never yet heard of any Inconveniency arising from doubts of what Statutes Extended here or what not nor did we ever hear of different Judgments given in this province concerning the Extent of any Statute of England unless in [the] one case concerning

U. H. J. the Act of Limitation of King James the first when one of your Honours was one of the four Judges that filled the Provincial Bench and we cannot think that Instance deserves your Honours Notice since that opinion was Grounded on no President but was manifestly contrary to the whole course of Judicature in this Province and well known to be against the Charter and inconsistent with our constitution and we cannot conceive the Judges have been ever reduced to any Extremity in Giving their Judgments what Laws do
 p. 131 or do not extend here or that it has been ever doubtful and as it never has been so we think they have less Reason to doubt now than ever since the same course of Judicature has been still so much the longer in use & that Usage so clearly declared in the Resolves of this House communicated to your Honours

We think your Honours by this message leave our ill wishers some Room to doubt that you Object against the Judges being sworn to try and determine According to any the Laws of England unless declared by our Acts of Assembly to extend here and we doubt not but they would be Glad to make Use of any handle for such a construction of your Honours Sence of things for as it is well known that these difficulties in Judicature & Government are what the Enemies of our Protestant Constitution (the better to subvert it) most warmly Contend for, and what we have some time since as your Honours can't but have Observed declared our Sentiments of they will no doubt readily lay hold of the Occasion and quote your Honours words as countenancing their Pretensions and even quote yourselves Against your Selves and us for so we must Account whatever is Against our present Establishment of English Laws and Liberties

We therefore Hope your Honours will take away all Umbrage of this sort from those that seek such Innovations and joyn with us in declaring your Sentiments and just Resentment against them

We are sorry for your Honours sakes that you in the latter part of your Message decline a further concurrence with us in the Subject matter there treated of until the Lord Proprietary shall have advised his Governor & Council of State whether such further Alterations as are contained in M^r Atty Generals Draught of the Oath of a Judge be found consistent with his Lordships Charter and Agreeable to the Constitution and publick Weal We understood Your Honours as A Council of State to be by Office Obligated to advise his Lordship and his Governor what was Agreeable to the Constitution and publick Weal of this Province and as a part of the

Legislature we thought you not only Advisers but in part U. H. J.
directors too of what was proper for the common Good. For
we esteem it impracticable for his Lordship (a Stranger to the
Place and at so Great a distance from us) to be rightly advised
of these things but by your means and the Representations of
us his faithful Tenants and since by a late Instruction from
his Lordship it was easy to Observe his Lordship had taken
Advice from some that were unacquainted perhaps for want p. 132
of yours it seems Strange that Your Honours should propose
the waiting for his Lordships Advice instead of Giving your
Advice to his Lordship in what is Agreeable to our Constitu-
tion & publick Weal This seems so far to invert the Order
and end of your Office that We hope your Honours will not
further insist on it as a Cause for deferring Your concur-
rence in the Point desired For as we esteem it no ways neces-
sary for faithful Councillors to know what will please their
Prince before they Give him their Advice (unless they seek
his Favour and consult his Pleasure rather than his real
Interest) so we cannot think but it would be much to your
own Satisfaction and for his Lordships Service to give your
Advices the quickest dispatches to him you possibly can to
prevent his Lordships being further beholden to Strangers to
our constitution for want of your good Offices to him

We Use our Endeavours we can sincerely say to Cultivate
& preserve a Good Understanding with you for the Common
Good and we cannot employ our endeavours better than by
using those Freedoms with you that are necessary for the
Common Good and Altho' you should think those Freedoms
Unbecoming us to use with you who wear a Dignity in this
State that Stiles you our Superiors yet as we shall never
prostitute plain dealing to the Servile force of Compliment
when Our Countrys Good Your Honour and Our Duty
requires plainness We shall rather choose to bear your cen-
sure if We Incurr it then be wanting in this part And in pur-
suit of this Resolution We give you our thoughts that if your
Honours had been free in communicating to his Lordship
your Sense of our Resolves in the Year 1722 when they were
communicated to you it might have Given his Lordship reason
to have withstood the Importunities of those that forwarded
the Instruction that caused our late Address & if when your
Honours [were acquainted] with our Address you had then
Apprized his Lordship of your thoughts upon it they might
probably have saved his Lordship the Labour of much enquiry
and have precautioned him against such further Steps as may
be founded on the like Advice of Strangers to our constitu-
tion the consequences of which we cannot Guess at but if they
prove amiss, your Honours must Give your Country leave

U. H. J. to lay them at your Door For our parts We shall always think we best recommend ourselves to his Lordship by plain truths tho' they should prove displeasing & shall ever make it our Choice rather to serve his Lordship without pleasing him than to please him without serving him should those Offices ever unhappily be incompatible and in the same manner we now treat your Honours and as a further Instance of our Steadiness in this Resolution We declare our Sentiments that our Lord Proprietary your Honours nor our Country can never be better served in their Seperate Interests if such there be than by their uniting heartily for the Common good and that a right Understanding what that is is a most necessary Step for the Attainment of it, & that a Bold and Generous Freedom is in our opinion the best way to attain a right understanding and We leave your Honours to draw the Consequence & We beg your Honours if from the earnestness of our desires that every part of this Legislature should be vigilant and active in their duty We have used any Freedoms with You that have moved dislike it may Center upon Us rather than give the least Interruption to your Zeal for the Welfare of our Country

Signed p Order M. Jenifer Cl. Lo. Ho.

A Bill from the Lower House of Assembly by M^r Taylor and M^r Tolley Entituled An Act for erecting a Town at Joppa in Baltimore County and for Securing the Land whereon the Court House and Prisons are built to the use of the said County thus Endorst Viz.

By the Lower House of Assembly October the 28th 1724

Read the first & Second times by especial Order and will Pass

Signed p Order M. Jenifer Cl Lo. Ho.

An Engrossed Bill from the Lower House of Assembly by Mess^{rs} Crab and Captain King Entituled An Act for the relief of sundry languishing Prisoners therein mentioned thus Subscribed viz.

October the 28th 1724

Read and Assented to by the Lower House of Assembly & Sign'd p Order M. Jenifer Cl. Lo. Ho.

Which said Bill being read is also Assented to by this House

The Journal of the Committee of Accounts brought up

from the Lower House by John Beale Esq^r & M^r Gant thus U. H. J.
indorsed viz.

October the 28th 1724

Read & Assented to by the Lower House of Assembly &
Sign'd p Order M. Jenifer Cl Lo Ho.

Read Again the Act intituled An Act relieving the Inhabi-
tants of this Province from some difficulties they may labour
under in paying &c^a this Year & this indorsement made
thereon viz.

By the Upper House of Assembly Oct. 28. 1724.

Gentlemen.

On Reading and Considering this Bill we Observe that
altho we find it to be drawn as near as may be consonant and
Agreable to the Report of the Conferees appointed upon this
Occasion and the farther directions of both Houses of As-
sembly relating thereto yet upon A second consideration
thereof many Inconveniencies do Occur to us which will
render the Bill more injurious than advantageous to the Good
people of this Province The Inconveniencies We apprehend
are as follows 1 We are Apprehensive that it will be a great
Inducement to Perjury 2 that it gives some people an oppor-
tunity to delay payment this Year tho they have Tobacco
for many men may make Oath on or before the 25th day of
December that they have no Tobacco nor any due to them
that they can get and yet collect great Sums afterwards and
dispose of them as they please without applying any part
to the discharge of their Publick or Private debts. 3 That
people being Obliged by Oath to Apply all their Tobacco to
particular Engagements will be injurious to Other Creditors
especially to Merchants and late Sheriffs 4 It is no Benefit
to poor People for if they must apply all their Tobacco to
particular Ingagements they will not have any to supply their
Greatest necessities so that the Remedy is Worse than the
Disease 5 That Tradesmen and others who never make it
their employm^t to make Tobacco may avoid paying not only
their Private Contracts but publick dues also 6 It will be
productive of a Multitude of Law Suits for Creditors finding
themselves Aggrieved by Colour of this Law will be more
Severe with their debtors for the time to come 7 That as in
some former Laws so in this many unforeseen difficulties and
Mischiefs will Arise in the Execution of it For which
Reasons we cannot Agree to pass this Bill as it now Stands

Signed p Order Samuel Skippon Cl Up Ho.

U. H. J. Sent to the Lower House by Col Ward.

A Message from the Lower House by Captain Mariarte & M^r Hudson viz.

By the Lower House of Assembly October 28th 1724.

May it please Your Honours

We have considered your Honours Remarks on the Bill relieving the Inhabitants of this province from some difficulties they may lye under in paying their Levies Officers fees and other Country Tobacco debts this Year and are sorry to find your Honours on your second thoughts should recede from what was so fully debated on the Conference from whence we doubt not but your Honours were informed from time to time of what Resolutions were then made and from what your Honours fully concurred with

And we desire your Honours to consider the answers that the Objections naturally require We shall Give them Articulate thus viz.

To the 1st Every case or circumstance that requires an Oath is liable to an Objection that perjury may ensue.

To the 2^d An Amendment may be easily proposed to remedy the Inconveniency your Honours Object though We think it none for if any debtor does at any time get in Tobacco after the Oath made such Tobacco is no ways Exempt from the Execution of his Creditor. If therefore your Honours rest only on that Objection we shall readily proceed to propose an Amendment

p. 135 To the third that people are only Obliged to prefer the Publick Credit to any Other and in all other cases the Rules of payment proposed cant be liable to Objection being referred to the Election of the debtor which is his right by the common Law of England.

To the fourth Liberty is a Benefit to the poor and the Act proposed is to protect the poor against Imprisonment where Providence has disabled them to pay their debts that they may be Suffered to work for their Creditors & Family

To the fifth Tradesmen that have earn'd Tobacco from the planters cannot pay the Tobacco they owe unless they Receive what is their due and where the Planter has not made it the Tradesman he owes cant receive it & consequently needs some Provision to be made for him and as the method proposed by the conferees & Agreed to by your Honours is now Objected to We should be glad your Honours would be pleased to propose a better

Sixthly We cannot conceive that Law Suits will be increased by the Act proposed when it will be apparent to the Creditor that he cannot get what he sues for and we cannot have so poor a Thought of the Trading men that they would sue their Debtors out of Resentment as your Observation seems to import U. H. J.

Seventhly. This observation lyes against every new Law as well as that Proposed and We hope your Honours will not allow an Inconveniency which you cannot see to prevent you from consenting to remedy one that God knows is but too apparent.

We pray your Honours intimation with all that Expedition that the circumstances of this case requires how far your Honours can Assent to the Reliefs proposed.

Signed p Order M. Jenifer Cl Lo Ho.

Read the Message of October the 24th and the following Answer prepared thereto viz^t

By the Upper House of Assembly October the 28th 1724
Gentlemen.

Upon consideration of your Message of October the 24th In Answer to the Indorsement made upon the Bill intituled A Supplementary Act to the Act for trying matters of Fact in the Counties &c^a We are willing to condescend so far in the first point controverted that Bills of Exceptions may be Signed and Allowed of by the Judge of oyer and Terminer and Goal delivery in favour of life only least the too frequent use of such Bills of Exceptions in other criminal cases (which is contrary to the practice in England) should prove an Encouragement to ill People who by that means might frequently Escape the condign punishment that might be justly due to their Offences. p. 136

Secondly We see no Reason to Recede from our former opinion as to the Voices of the County Justices in Criminall cases upon the circuits for we conceive that the Allowance thereof would be an innovation made as we Observed to you before upon the English Constitution which we are as desirous of Copying after as any of the members of your House in all the Branches thereof which are Adequate to the circumstances of this Province For in that which was noted upon the Back of the Bill we had no Regard to what was practiced upon Special Commissions and Writts of Association whereby some other Persons at the Kings pleasure were Joyned with the Judges in Judicature but We therein had respect to

U. H. J. the Usage of England as it was practised in the Administration of Justice on the Circuits which is the thing now under the Consideration of both Houses so that you must give us leave to say that your House was mistaken if you Apprehended that We in what was then proposed to you had any other thing in View than what Strictly Related to the Administration of Justice upon the Circuits lately established and now About to be Regulated in the practice thereof within this province

Thirdly We are still of opinion that a General Restraint upon the Judges of Oyer and Terminer from trying any of the matters Criminall which are cognizable in the County Courts may be of evil consequences For as we could never have Imagined that the Judges upon the Circuit altho' they had lain under no such Restraint would ever have suffered themselves by the hearing of Petty Offences to have been Interrupted in the trying matters of Consequence and such Causes as were necessarily determinable before them so we believed that their own discretion would have been a Rule to them in all such cases. However we are willing to joyn with you in restraining their Jurisdiction to such cases only as shall seem necessary or doubtful and where the Offendors are notorious But We must likewise represent to you that We see no Reason for Encouraging Roguery of any sort by lessening the usual fees upon the Prosecution which is always lookt upon to be a part of the Punishment justly due to Offendors The Judges we are Confident will always avoid the Hearing of any other Criminal Cases than such as shall be thought necessary Wherefore we are of Opinion that to lessen the fees given by Act of Assembly in such cases would be an Indulgence of the Legislature which ill People have no manner of Title to.

p. 137

Fourthly. We concur with your House that Tryalls at the Bar where the nature of the case and the furtherance of Justice evidently require it may be allowed of with a Saving to all parties accus'd the Benefit of Writts of Removal & Trials in the Provincial Court or before the Justices of Oyer and Terminer and Goal Delivery as the nature of the case may require with which Alterations & Amendments the Bill will pass.

Signed p Order Samuel Skippon Cl Up Ho.

Sent the Above message together with the Bill by James Bowles Esq^r

A Bill from the Lower House of Assembly by M^r Tyler

and M^r Wright Entituled a Supplementary Act to the Act for U. H. J.
marking high Ways, thus indorst Viz.

By the Lower House of Assembly October the 28th 1724

Read the first and second times by especial Order and will
pass

Signed p Order M. Jenifer Cl Lo Ho.

An Engrossed Bill from the Lower House of Assembly by
John Beale Esq^r and M^r Warfield Entituled An Act to enable
John Cheney and Mary his Wife to sell in fee Simple three
hundred Acres part of a Tract of Land called Waterford
notwithstanding the same is specially entailed on the Heirs
of the Body of the said Mary by Benjamin Williams of Ann
Arundel County thus Subscribed Viz.

October the 28th 1724

Read and Assented to by the Lower House of Assembly &
Sign'd p order M. Jenifer Cl Lo. Ho.

Which Bill being read is also Assented to by this House
Adjourned till Thursday morning.

Thursday October the 29th 1724

Present as yesterday

M^r Kennard and M^r Dun introduce Ebenezer Blakiston
a member Elected to serve for Kent County in the Room of
M^r Samuel Watkins deceased in Order to see his qualifica-
tion who took the several Oaths appointed by Law and Sub-
scribed the Oath of Abjuration and the Test and withdrew

Read the Message of Yesterday by Captain Mariarte and
Captain Hudson and the following answer prepared thereto

By the Upper House of Assembly October the 29th 1724
Gentlemen.

We have read and considered your Message of Yesterday ^{p. 138}
by Captain Mariarte and Captain Hudson relating to the
Bill relieving the Inhabitants of this Province from some
difficulties they may lie under in paying their Levies Officers
fees and other Country Tobacco debts this Year and being
as earnestly desirous as your House can be to do something
to Answer the end proposed in that Bill, We therefore are
willing to wave our first, fourth, Sixth & Seventh Objections
to the Passing of it in our former Message relating thereto

U. H. J. hoping that the Inconveniences therein mentioned may be over ballanced by other Advantages in the Bill and to Avoid the inconveniences Observed in our other Objections We propose the following Additions and Amendments first that a Clause be added in the Bill exempting the Sheriffs from any Execution to be Served upon them this Year for any Arrears of Publick Dues or Officers fees due from the last Year Secondly that the Clause in the Bill which makes such persons as have taken the Oath required and Obtained Certificates to exempt themselves from being Executed for Officers Fees or other inland debts liable to be Executed for so much as they declare upon Oath they have may be wholly Omitted and some little Alteration made in the Oath so as to give the debtors the liberty to pay what Tobacco they have in discharge of any of their debts either to Merchants or others at their own election which we take to be the Sence of both Houses but seems as the Bill now Stands to be otherwise directed which will set Merchants and Foreign Traders upon a Levell with the Inhabitants of this province and prevent Clamours against this Bill upon that Score Thirdly that Provision be made that all such Persons as live in Towns or follow Employments & have not nor do not make Tobacco be obliged to pay money for their publick dues at a price to be Ascertained or in case they have not Money to declare the same upon Oath otherwise not to have any Benefit by this Law With the foregoing Amendments and Additions the Bill will pass

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Esq^r Rousby

Read the Bill for erecting a Town at Joppa in Baltimore County thus indorst Viz.

By the Upper House of Assembly Oct^r the 29th 1724
Read and will pass.

Signed p Order Samuel Skippon Cl Up Ho.

The Above Bill sent by Benjamin Tasker Esq^r

Read the Bill intituled An Act for marking the high Ways &c^a thus indorst Viz.

By the Upper House of Assembly October the 29th 1724.
Read and will pass.

p. 139

Signed p Order Samuel Skippon Cl Up Ho.

The said Bill sent by Esq^r Hall.

A Message from the Lower House of Assembly by Col^o U. H. J. Mackall & Capt. Mariarte Viz.

By the Lower House of Assembly October the 29th 1724
May it please your Honours

The Bill Assented to by both Houses for securing the rights and Inheritances of sundry the Inhabitants within this Province against certain Impositions by pretence of suspected deeds being what requires the utmost dispatch lest the Person thereby provided against should get notice thereof and Get into his Hands those Deeds from the Clerks that are intended to be enquired into before the Clerks have notice of the Act made We pray your Honours to move his Honour the Governor for the dispatch of that Bill as well as the Bill for the preventing the Exportation of Corn that the Copies of those Acts may be rendered successful by such dispatch.

Signed p Order M. Jenifer Cl. Lo. Ho.

A message from the Lower House of Assembly by M^r Gant & M^r Bozman viz.

By the Lower House of Assembly October the 29th 1724.
May it please your Honours

In answer to your Message of the 28th day of October instant by James Bowles Esq^r on the Supplementary Act to the Act for Trial of all matters of Fact in the counties where they have arisen &c^a We hope your Honours will be of Opinion that Bills of Exception ought as well to be Allowed in Criminal Causes that do not affect Life as in Cases that do when you shall have considered that an Honest Mans Reputation (always dearer to him than life it self) may be in Question and that he may suffer such an Injury in it as no time can efface nor anything in the Power of man Efface by the overruling a Just and lawful Challenge and Admitting his Enemies Upon the Jury by the Allowances of incompetent Witnesses, by the Juries (tho impartial) mistaking the Evidence by the Judges Giving a wrong Charge and the Juries being influenced by such a Charge and even the Judge himself being prejudiced or under a Surprize All these Circumstances may possibly Occur in one mans Case and every man is liable to some one of them which as things may be managed may be his own and Families Ruin Now we Apprehend that Bills of Exception will be a Guard against an Innocent persons unjustly suffering by any of the Ways already mentioned and others too tedious to trouble your Honours with and therefore We are of Opinion that should a Guilty person accidentally escape some share of the Punishment

U. H. J. due to his Offence by the frequent Allowance of Bills of
p. 140 Exception the Use and Benefit of them would make ample
amends for such an Inconvenience But as that cannot we conceive
be the case but on the Contrary lay the fact with all its
circumstances before the Judges which will Give them a much
better Opportunity of Giving a Judgment adequate to the
Nature of the Offence then they can possibly be able to give on
hearing the Facts in a hurry at the Bar and therefore we
desire your Honours Concurrence to the General Allowance
of Bills of Exception

Tho we cannot concur in opinion with your Honours that it
would be any innovation to Allow the Associates Voices in
Criminal Cases it being Agreeable to the Brittish Constitution
as your Honours we believe may Observe by the Presidents
we have already referred to and the Proceedings of the Gov-
ernor and Council formerly when Assizes were set up (with-
out any Law of the Province to Support them) in imitation
of the English Practice we shall wave it at present rather
than lengthen the time of this present Session or hinder the
Passing the rest of the Bill which we conceive to be of such
Absolute necessity.

We shall concur with your Honours in restraining the
Judges of Oyer and Terminer in the manner you propose and
hope that a Bill Agreeable to what your Honours and this
House have concurred in & with what is herein proposed will
pass your House

Signed p Order M. Jenifer Cl. Lo. Ho.

To which Message the following Answer was prepared.

By the Upper House of Assembly October the 29th 1724
Gentlemen.

The Bill herewith sent Entituled a Supplementary Act to
the Act for trying matters of fact &c^a will pass with the
Amendments proposed in your Message by M^r Gant and M^r
Bozman and a limitation of its continuance for two Years.

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Col^o Tilghman

A Message from the Lower House of Assembly by M^r
Beale & M^r Gant viz.

By the Lower House of Assembly October the 29th 1724
May it please your Honours

We desire your Honours will please to Appoint some of
the members of your House to Join with John Beale Esq^r

Col^o John Ward and M^r Thomas Gant whom we have appointed of our House in a Committee to Apportion the Publick Levy for this present year and also are Willing that the members and Officers of both Houses this Session be allowed at the rate of ten Shillings current money p hundred for the several days attendance due to them since the closing the Journal of the Committee of Accounts and desire your Honours Concurrence therein. U. H. J. p. 141

Signed p Order M. Jenifer Cl Lo. Ho.

Which being read the following answer was prepared thereto.

By the Upper House of Assembly October the 29th 1724
Gentlemen.

This House does concur with you in your Proposall to allow the members and Officers of both Houses this Session after the rate of ten shillings p Hundred current money for the several days attendance due to them since the Closing of the Journal of the Committee of Accounts and does appoint Benjamin Tasker Esq^r a member of this House to joyn with John Beale Esq^r Col^o John Ward and M^r Thomas Gant in a Committee to apportion the publick Levy.

Signed p Order Samuel Skippon Cl. Up. Ho.

Sent by M^r Tasker

An Engrossed Bill from the Lower House by M^r Crab and M^r Bozman entituled a Supplementary Act to the Act Entituled an Act for marking of Highways &c^a thus Subscribed Viz.

October the 29th 1724.

Read and Assented to by the Lower House of Assembly &
Sign'd p Order M. Jenifer Cl. Lo. Ho.

Which Bill being read is also Assented to by this House.

Read the Bill for Relief of James Philips Devises and upon hearing Council for and Against the Bill Resolved that the Bill do pass and the following Endorsement was made thereon Viz.

By the Upper House of Assembly October 29th 1724.

Read and will pass.

Signed p Order. Samuel Skippon Cl Up. Ho.

U. H. J. Sent by Col^o Addison

Read the Message of this day by Col^o Mackall and Captain Mariarte and the House moved his Honour the Governor that the Bills therein mentioned might be immediately dispatch'd to which Motion his Honour agreed and Philemon Lloyd Esq^r was sent to the Lower House to inform them that his Honour required M^r Speaker and the whole House to attend him in the Council Chamber immediately.

M^r Speaker and the whole House accordingly gave their attendance and saw the following Acts Subscribed and Assented to on Behalf of the Right Honourable the Lord Proprietary and Sealed with the Great Seal of this Prov^{ce} viz.

I An Act to prohibit the Exportation of Indian Corn for
p. 142 the Time therein limited, to suspend the Execution of An Act
Intituled an Act prohibiting the Importation of Bread, Beer,
Flour, Malt, Wheat, or other Indian or English Grain or
Meal Horses, Mares Colts or Filleys from Pennsylvania &
the Territories thereunto belonging

II An Act for securing the Rights and Inheritances of
Sundry the Inhabitants within this Province against certain
Impositions by Pretence of Suspected Deeds.

Adjourned till Morning

Friday October the 30th 1724

Present the same as yesterday.

The petition of George Dent on Behalf of his Brother Thomas Dent a languishing Prisoner in Charles County Goal praying to be heard by Council and for Leave to bring in a Bill for his Relief was Read and Council was heard for the petitioner and M^r John Courts & Captain Harrison were Also heard in Opposition thereto and on Consideration of the whole the following Indorsement was made thereon viz.

By the Upper House of Assembly October 30th 1724.

Upon hearing the within petitioner on behalf of his Brother Thomas Dent by his Council and also the Allegations of M^r John Courts and Captain Harrison in opposition thereto we are of Opinion that the said Thomas Dent ought to be Relieved and we are Apt to believe that some circumstances in the evidence may have escaped your Notice We therefore Again recommend the Prisoners unhappy Circumstances to your Consideration.

Signed p Order Sam^l Skippon Cl. Up. Ho.

Sent by James Bowles Esq^r

U. H. J.

Read the Report of the Committee of Aggrievances and after due Consideration thereof the Message was prepared Thereon viz.

By the Upper House of Assembly October 30th 1724
Gentlemen.

We have read and considered the Report of your Committee of Aggrievances & are concerned to find that such Misunderstandings & differences arise between the Sheriffs and people of the several counties but as your selves Acknowledge it is almost impracticable by any written Rules to prevent all Inconveniences of the kind we can only say we wish it in our power so to do and we shall always be ready to contribute our Endeavours by any Reasonable means to Accomplish so Good a Work We Observe that your said Committee propose it as an Expedient for reconciling those differences that the Sheriff be made elective by the Voices of the People but we are much afraid that such a Method p. 143 would rather Prove A foundation for Confusion and party animosities succeeded by the Oppression of those who appeared not to be of the prevailing Candidates Party than A Remedy against the before mentioned evils Besides the appointing of Sheriffs in the several Counties within this Province has been hitherto thought a Branch of our Proprietarys Prerogative as appears by a Continued practice for many Years past

Signed p Order Samuel Skippon Cl Up Ho.

Sent by Esq^r Rousby

A Message from the Lower House by Col^o Mackall and M^r Crab viz.

By the Lower House of Assembly October 30th 1724
May it please your Honours

We have amended the Bill relieving the Inhabitants of this Province from some difficulties they may lye under in paying their Levies &c^a this Year according to your Message of the 29th Instant except the Adding a Clause to exempt the Sheriffs from any Execution to be served upon them this Year for any Arrears of Publick Dues or Officers fees due for the last Year which we are of opinion is not necessary in regard the Sheriffs are Intituled to the same Indulgences with other Debtors for any debts they owe and we know no Reason to

U. H. J. make any further Provision in their Favour therefore desire
the Bill may pass as it is now Amended

Sign'd p order M. Jenifer Cl. Lo. Ho.

An Engrossed Bill from the Lower House by M^r Tolley
and M^r Hamilton entituled An Act for the relief of the
Devise's of James Philips the Elder and Anthony Philips
late of Baltimore County thus endorsed

October the 30th 1724.

Read and Assented to by the Lower House of Assembly
and

Sign'd p Order M. Jenifer Cl. Lo. Ho.

Which Bill being read is likewise Assented to by this House
A Bill from the Lower House by M^r Tyler and M^r Oldham
Entituled a Supplementary Act to the Act for trying matters
of fact in the counties &c^a thus endorst.

By the Lower House of Assembly October the 30th 1724
Read with the Amendements & will pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

Read the Bill and the following Endorsement made thereon
Viz.

By the Upper House of Assembly October 30th 1724.
Read and will pass.

Sign'd p Order Sam^l Skippon Cl Up Ho.

Sent by Col^o Young.

p. 144 Read the Message of this day Relating to the Bill re-
lieving the Inhabitants of this Province from some difficulties
they may lye under in paying their Levies &c. and the Bill
as amended according to the Message & the following In-
dorsement made on the Bill Viz.

By the Upper House of Assembly Oct^r 30th 1724

Read and will pass with the following Amendment viz.
the word About, and the Words take the best Care I can to
be incerted in the latter Oath which will make it Agreeable to
the former Oath

Signed p Order Samuel Skippon Cl. Up. Ho.

Sent by Col^o Holland.

U. H. J.

A Bill from the Lower House by Captain Harrison & M^r Hudson intituled An Act explaining a Paragraph of the Supplementary Act to the Act intituled An Act directing the manner of electing and summoning Delegates &c^a thus in-dorsed viz.

By the Lower House of Assembly October the 30th 1724

Read the first and second times by especial Order and will Pass

Signed p Order M. Jenifer Cl. Lo. Ho.

Which Bill being read was thus endorsed viz.

By the Upper House of Assembly October 30th 1724.

Read and will Pass.

Signed p Order Sam^l Skippon Cl. Up. Ho.

Sent by Esq^r Hall

A Bill from the Lower House by M^r Edward Wright & Captain Hooper intituled An Act reviving and continuing the Act for Limitation of Officers fees and for supplying some defects therein and for Amendment thereof in some particulars and restraining some ill Practices of Sheriffs and for making Flax and Hemp Current in Payment of debts thus endorsed viz.

By the Lower House of Assembly October 30th 1724

Read the first and second times by especial Order and will Pass

Sign'd p order M. Jenifer Cl. Lo. Ho.

A Message from the Lower House by Captain Dashiel & M^r Young viz.

By the Lower House of Assembly Oct. 30th 1724.

May it please your Honours

We thankfully accept your Honours kind promises of your Endeavours to Accomplish so good a Work as the preventing the inconveniences that arise from the present frequent differences betwixt the People and Sheriff and therefore if the Objections in your Honours Message of this Instant by M^r Rousby can be removed we hope we may then lay a just Claim to the promise of your endeavours in this part & we hope your first Objection will not remain with you when your Honours

U. H. J. consider there may be the same Regulations for the electing
p. 145 a Sheriff that are now used for the electing Delegates and
that the Sheriff will be under the Restraint of all the Laws
in force to prevent his Oppressing those that have Voted
against him and will be under this more Weighty Influence
that by Oppressing one of those that Voted Against him he
might loose the Votes of many of those that Voted for him
at the next Election and so have a Period put to his Power
of Oppressing and the People have Leave to choose another
in his Room who for fear of the like Fate would Avoid the
Offences And We conceive your Observation that the ap-
pointing Sheriffs has been hitherto thought a Branch of the
Prerogative will not at all discourage our endeavours for the
obtaining what we Propose as an ease to the Prerogative and
if his Honour the Governor or the chief Magistrate for the
time being is pleased to think it so and consents to it we
shall then think ourselves easy in the Remedy proposed and
if not, it is yet offering to his Honour an opportunity of doing
an acceptable Good, which from Experience we have no
Reason to believe he will decline embracing

Signed p Order M. Jenifer Cl Lo Ho.

An Engrossed Bill from the Lower House of Assembly by
M^r Tolley & M^r Hamilton Entituled An Act for erecting a
Town at Joppa in Baltimore County and for Securing the
Land whereon the Court House and Prison are built for the
use of the said county thus Subscribed Viz.

October the 30th 1724.

Read and Assented to by the Lower House of Assembly
and

Signed p Order. M. Jenifer Cl. Lo. Ho.

Adjourned till Saturday morning

Saturday morning October the 31st 1724.

Present as Yesterday.

Two Engrossed Bills from the Lower House by M^r Crab
& M^r Taylor viz.

A Supplementary Act to the Act Intituled an Act for the
Tryal of all matters of facts in the Counties where they have
arisen & shall arise the continuance of Causes in the Pro-
vincial Court and Adjournment of that Court.

An Act for Explaining a Paragraph of the Supplementary
Act to the Act Entituled An Act directing the manner of

electing and Summoning Delegates Severally Assented to U. H. J. by the Lower House which Bills being read are likewise Assented to by this House.

An Engrossed Bill by Captain Harrison and M^r Oldham Entituled An Act relieving the Inhabitants of this Province ^{p. 146} from some difficulties they may lye under in paying their Levies and other just Tobacco debts this Year Assented to by the Lower House and being read Likewise Assented to by this House

A Bill from the Lower House by M^r John Courts and M^r George Dent intituled An Act for the Relief of M^r Thomas Dent of Charles County Gent. thus endorsed.

By the Lower House of Assembly October 30th 1724.
Read and will pass.

Signed p Order. M. Jenifer Cl. Lo. Ho.

Which Bill was read and thus endorst viz.

By the Upper House of Assembly October 30th 1724.
Read and will Pass.

Signed p Order Samuel Skippon Cl. Up. Ho.

Sent to the Lower House by Col. Ward.

Then the House went upon the Consideration of the Bill for the Limitation of Officers fees &c^a and ordered the following Endorsement to be made upon the Bill Viz.

By the Upper House of Assembly October 31st 1724.
Gentlemen.

On reading and considering the within Bill we are of opinion that the Granting of Special Warrants by the Secretary is a matter of favour from his Lordship We cannot therefore think the customary fees of 500 pounds of Tobacco for Petition Order and making out the said Warrant is an unreasonable fee especially considering that the Secretary or his Clerk does upon Application even of the most Ignorant Advise and form the necessary Recital to each Warrant without a Regular Petition setting forth the several circumstances of the Case And as to the Renewal of Warrants its the Persons own neglect who applies for them If he dont make the proper return or renew them within the time Limited

2^{dly} That to Oblige Merchants who Trade for Tobacco in expectation of Profit to take another Commodity instead of

U. H. J. Tobacco which will not Reimburse them half their Principal besides their disappointment in Loading their Ship must be destructive to Trade without which we cant Subsist & Inconsistent with Justice which ought to be our Guide

Wherefore We desire you to Exclude what Relates to the Secretary & the merchant with which Alterations this Bill will Pass.

Signed p order Sam^l Skippon Cl. Up Ho.

Sent by Col^o Addison

James Bowles and Benjamin Tasker Esq^{rs} appointed of the Committee to View the Work of the Gate House gave in their Report as follows.

p. 147 The Underpinning to be finished the turning the Arch of the Chimney above Stairs to be made a Brick thicker the Plaistering Above Stairs to have the cracks and Breaches fill'd up and to give it a White Wash To make the Chimneys at the Gable ends tite and Workmanlike To Shift all the Bad Plank in the Weather Boarding.

Benjamin Tasker Esq^r appointed of the Committee to View & inspect what repairs are wanting in the Stadt House gave in his Report as follows

The Report of the Committee appointed by the honble the Upper & Lower Houses of Assembly to treat with Workmen for repairing the Stadt House the 29th October 1724.

Offered to this Committee by Thomas Watson of the City of Annapolis to do all the Carpenters & Joyners Work of the Stadt House & find every thing to compleat the same as Hooks Hinges and other Iron Work for Seventy Pounds Current money and is ready to enter into Bonds with two Securitys for performance of the said Work to be finished Workmanlike by the last day of August.

Offered to this Committee by Patrick Creagh of the City of Annapolis to do the Remaining part of the Work mentioned in the former Report Except the Rough Casting the Outside viz. Plaisterers Bricklayers Glaziers & Masons Work and to Paint where there shall be occasion any Colour the House shall Order he to find all necessarys for the said Work but Glass for 145 Pounds currency and is ready to enter into Bond with two Securitys for Performance of the same Workmanlike by the last day of 7ber next

Your Committee propose that the Undertakers of the U. H. J.
Joyners and Carpenters Work may have Power at their discretion to make any small Alterations which may be Agreeable to the Proportion of their Work and the Squares of Glass

Your Honours Committee are of Opinion that the publick Officers should be Obliged to keep their respective Offices in Good Repair after the finishing this Work

Signed p Order Jn^o Gibson Cl Com.

A Message from the Lower House by Captain Mariarte & M^r Bozman viz.

By the Lower House of Assembly October 31st 1724
May it Please your Honours

The Granting Special Warrants as Observed by your Honours message of this Instant by Col^o Addison was indeed a Matter of favour formerly when such Warrants were to p. 148
Affect all cultivations & Improvements how Valuable soever for the Common Purchase of Rough Lands and this Gave the fee or Gratuity of five hundred Pounds of Tobacco a Reasonable foundation but since the Practice has been to Value all Improvements and for a Purchaser to pay the Value of them it becomes meer matter of Contract between his Lordship [and the People] and therefore as the favour which was the consideration of the five hundred pounds of Tobacco ceases we must insist the Gratuity it self ought to cease We Cannot find that the Clerks form or draw any Petitions for Purchasers of Special Warrants but what they are Otherwise paid for and as to the fee for renewing Warrants we never understood it was taken on pretence of a fine for Neglect before your Honours Message gave us the Intimation We thought it had been only Claimed as a Fee or reasonable Reward for the service of Renewing it & we are well Satisfied the fee of 50 Pounds of Tobacco proposed by the Bill was a Competency for it, but if such difficulties are put upon purchasers of his Lordships Lands by his Officers it must needs lessen the number of Purchasers And discourage the Planting and Settling the Frontiers which We shall Submit to be further considered & as to the fees or Gratuities themselves altho they're founded on no Law neither have they any Reasonable Custom subsisting to support them however for the Giving your Honours a most Indubitable demonstration of our Good Inclinations to end this Sessions in the most amicable manner we agree to pass the Bill of Officers fees with the Amendments you propose.

Signed p order M. Jenifer Cl. Lo. Ho.

U. H. J. A message from the Lower House by M^r Oldham & M^r Hopkins

By the Lower House of Assembly October 31st 1724.

May it please your Honours

We have considered the Reports of the Committees to View & treat with proper Workmen about the Repairs of the Stadt House and Cap^t Hooper a member of this House is willing to undertake and Perform the Work for two hundred pounds current money and to enter into Bond for the true performance thereof according to the several Reports of those Committees

Signed p Order M. Jenifer Cl Lo Ho.

To which Message the following answer was prepared

By the Upper House of Assembly October 31st 1724.

Gentlemen.

This House has no objection against Captain Hoopers undertaking the Repairs of the Stadt House unless some other equally qualified will do it for less money.

Signed p Order S. Skippon Cl. Up Ho.

Sent by John Rousby Esq^r

p. 149 The House having Communicated to his Honour the Governor the several Messages between the two Houses relating to the Oath of A Judge his Honour Writ to M^r Attorney General on that Subject and Communicated his Letter and M^r Attorneys Answer thereto to the House which are as follow viz.

Sir

I desire your opinion whether the Words in the Oath of a Judge Proposed by the Lower House of Assembly viz. (for the Letters of the King) do any ways affect his Lordship as to his Prerogative or otherwise.

October 31st 1724.

Cha: Calvert

To Daniel Dulany Esq^r Attorney General.

May it Please your Excellency

The Words proposed in the Oath of a Judge (for the Letters of the King) being designed Only to oblige the Judge, according to the known & established Rules of Law without regarding any Commands or other directions (Even the King

himself) to the Contrary I'm humbly of opinion cant possibly U. H. J.
affect his Lordship in his Prerogative or any other way but
on the Contrary shew that Regard to the equal and indifferent
Administration of Justice to the people in putting the Judges
under the most Sacred tyes to discharge their duty that is one
of the distinguishing characters of a Good Ruler

May it please your Excellency

Your most humble Servant

31 October 1724

D. Dulany

To his Excellency the Governor.

An Engrossed Bill from the Lower House by M^r Hawkins
and M^r Harrison for the Relief of M^r Dent &c^a Assented to
by the Lower House.

Read and Assented to by the Upper House.

A Bill from the Lower House by M^r Courts and M^r Edward
Wright Entituled An Act for the Payment & Assessment of
the Publick Charge of the Province for this present Year
1724 and thus endorsed

By the Lower House of Assembly October 31st 1724

Read the first and second times by especial Order and will
Pass.

Sign'd p Order M. Jenifer Cl. Lo Ho.

Read and Ordered to lye on the Table for the Perusall of
the members

An Engrossed Bill from the Lower House by M^r Dashiel
& M^r Hopkins for the Limitation of Officers fees &c^a As-
sented to by the Lower House. Read and ordered to lye on
the Table.

A Message¹ from the Lower House by M^r Crab & M^r
Bozman Viz.

By the Lower House of Assembly October the 31st 1724

p. 150

May it Please your Honours

We are at a Loss to guess what Part of Our Message about
the Clergy it is that you understand Us as recommending
you to erect a lay Jurisdiction for the establishment of Eccle-
siastical discipline and can therefore say no more to it than to
desire your Honours further consideration of that Message
which probably your Honours might be led to misconstrue

¹For the text of the message to which this is the reply, and which is lacking
from this record, see Lower House Journal, p. 163, *infra*.

U. H. J. from the Apprehension the Clergy expressed in their Representation They indeed set forth that they were informed that a motion was made to erect a Jurisdiction for the better Government of the Church and Clergy We indeed thought it necessary to do Something that might Influence some of the Clergy to Govern themselves more like Moralists and Christians than they do the more is the Pity and tho we never had any Intent to Infringe the Ecclesiastical Laws yet we found by complaints from most parts of the Province that the misconduct of the Clergy and their pretending to a General Exemption of their Persons from all Punishment by the temporal Laws loudly call'd for our Endeavours to enforce those Laws against them & we beg leave to Observe that as the Clergy signing the Representation grant there is a Necessity for the Enforcement of an Ecclesiastical Jurisdiction as the only proper method to redress the Grievances of the Church we should have been Glad that the Clergy had Given us their opinion what those Grievances were for we frankly declare tho sorry for the cause that we think the Immorality and prophaneness of some of their Brethren the Greatest that we know of & if they would by their Representation be understood that it would be opposite to their ordination Vow to Submit to a temporal Punishment for their Immoralities we should be Glad they would recommend it to their Brethren as tenderly to consider whether their conduct be not more Contrary to that Vow than their submitting to the Laws of their Country for such Offences as they cant but know are an evil Example and the Common Hurt of Christianity

We have heard of the Case of Carolina and have likewise been told that the Act for establishing 40 p Pole can't be touch'd by the Legislature & we doubt the Gentlemens Security renders them careless but we hope your Honours will Joyn with us in letting these Gentlemen know that this Legislature may as well Propose the Repeal of that Law as they at first proposed the making of it and (perhaps for the unhappy causes they too plainly Give) might find as Good Interest to Obtain as they might to oppose the Royal Favour In the
 p. 151 Repeal of it If your Honours Giving them a necessary caution might have so desirable an effect as that their future conduct might Induce the Legislature to forget all thoughts of this Kind we are of opinion that it would be [a] much better way of arguing than to insist on their establishments which have their Foundation on the Laws of England & this province and not of the Medes and Persians.

We shall not now trouble Your Honours further than to enforce our former Message and to say we shall think it our

indispensable duty to make use of all means in our Power to put some check to Practices so destructive to our Religion and We hope your Honours at a further Opportunity will Joyn with us in so necessary a Work U. H. J.

Signed p Order M. Jenifer Cl Lo Ho.

Read the Bill for the Limitation of Officers fees and finding therein some deviation from their Message and Agreement from the Lower House in their Message by Captain Mariarte and M^r Bozman this day the following Message was prepared and the Engrossed Bill with the Message sent to the House.

By the Upper House of Assembly October 31st 1724.

Gentlemen.

Upon comparing the Engrost with the Originall Bill for reviving & Continuing the Act for Limitation of Officers Fees &c^s we are Surprized to find this Interlineation to wit (persons except) in the last side made in the Originall Bill after it had past this House which makes an entire alteration In one part thereof but as we are inclined to believe such Interlineation hath hapned through mistake rather than design we send you back both the Original and Engrossed Bills that they may be Rectified according to the Alterations proposed by our House and consented to by your Message of this day.

Signed p order S. Skippon Cl Up Ho.

Sent by James Bowles Esq^r

An Engrossed Bill with a Message from the Lower House by M^r Tyler & M^r Taylor

By the Lower House of Assembly October 31st 1724

May it please your Honours.

We understood the Alterations made in the Bill for reviving Officers fees had been Agreeable to your Intentions for that as the Paragraph relating to Hemp and Flax by the reasonable construction of the Words thereof made those commodities currant to all Persons except for Publick or County Levy and the 40^t p Poll and that your Honours message signified to us that we should exclude what related to the Secretary and the Merchants with which Alteration the Bill would pass we made those alterations accordingly by the Words you seem to find fault with and therefore hoped we should meet with no Objections to it, but whatever misunderstanding may have hapned in this matter we now desire you to be p. 152

U. H. J. perswaded that we cant in a Consistency with our duty consent to the Passing of the Bill without that Paragraph.

Signed p order M. Jenifer Cl. Lo. Ho.

Adjourned till Monday Morning.

Monday November the 2^d 1724

Present as on Saturday.

A Message from the Lower House by M^r Beale and Captain Hooper viz.

By the Lower House of Assembly November 2^d 1724

May it Please your Honours

On reading the Journal herewith sent and on Enquiring whether any Bonds are given by the hon^{ble} the Secretary & the Commissarys General to keep in repair the publick Records of their several Offices which are adjudged by the Commissioners to be in Good Repair we only find that the hon^{ble} William Holland and Thomas Addison Esq^r two of the Commissarys General have given security (pursuant to the Supplementary Act for the repairing of the Publick Records) for the Records in their Office and According to the direction of the said Commissioners and as to the Secretary we find that there is yet no Bond Given by him pursuant to the said Act & direction of the said Commissioners Wherefore We are of opinion that one of the Commissarys General and the Secretary have no right to the several fees of their Offices until Security is Given pursuant to the Act of Assembly and direction of the Commissioners aforesaid and desire your Honours will be pleased to Advise the several Officers aforesaid who have not yet Given Bond being Members of your House and refer the further Consideration thereof to your Honours

Signed p order M. Jenifer Cl Lo. Ho.

Read the Message of Saturday by M^r Tyler and M^r Taylor and the following Answer sent thereto.

By the Upper House of Assembly November 2^d 1724.
Gentlemen.

We are much concerned to find by your Message of the 31st 8ber by M^r Tyler & M^r Taylor that you endeavour by a foreign construction of our Intentions relating to the Alteration proposed and an unreasonable construction of the Words in the Bill for reviving Officers fees to justify a Practice un-

heard of till now in Parliamentary Proceedings which we were U. H. J.
willing for the sake of Cultivating an Amicable understand-
ing between the two Houses and that we might pursue the
Business before us to have lookt Upon as a mistake and not
a design to impose upon Us but you Oblige us to insist that for
either house to Alter A Bill past in both Houses without the
Knowledge & Consent of the other is a Violation of that priv-
iledge which ought to be Sacred to both and that you have p. 153
done so is apparent for instead of Excluding the whole Para-
graph that makes Hemp and Flax current in Payment of
Tobacco debts due to Merchants and others trading or com-
mercing in or to this Province which was the true intent and
meaning of the Alterations proposed by Us In our former
Message You have by the Interlineation formerly mentioned
fully excused such Merchants and Involv'd the Inhabitants
of this province in the same mischief which is an Alteration
so far from our Intentions that it was not so much as once
spoke of to or by our House

Certainly Gentlemen when you consider this Affair [you
will no] Longer endeavour to perswade us to part with our
priviledge by consenting to the Engrossed Bill as it now
stands which we have again sent you not doubting but that
you'll make it Agreeable to the true Intent and meaning of the
Alterations proposed by us when the Original Bill pass'd our
House and to which you have heretofore consented.

Signed p Order. S. Skippon Cl. Up. Ho.

A message from the Lower House by M^r Edward Wright
and M^r Hawkins

By the Lower House of Assembly Nov^r 2^d 1724.

May it please Y^r Honours.

We desire to know your Honours Sentiments of our Re-
solves Communicated to you in the Year 1722 If yet Your
Honours have had time to consider the same

Signed p Order M. Jenifer Cl. Lo. Ho.

Read the message from the Lower House of the 27th of
October last 1724 by Col^o Mackall and five others the follow-
ing Answer prepared thereunto viz.

By the Upper House of Assembly November 2^d 1724.
Gentlemen

The manner of transacting publick Affairs In Parliament
when any matter is in difference between the two Houses
should seem to be an unquestionable President to the proceed-

U. H. J. ings of our Houses of Assembly We can truly say it on our Parts that We have always studied to speak our Sentiments of things after that Great Example but with all defference that is due to the Lower House of Assembly and have made it our particular care altho' We could not Always Agree with you in opinion that we would never offend in Point of Good manners which We think inseperable to our Character and the most Effectual means for the dispatch of All publick Business

If Your House had always had the same Regards to us or to the necessary rules and Usage of Parliament for the preservation of such good Correspondency there would have been no Room for questioning whether those freedoms which you have taken in your message of October the 27th by Col^o Mackall and five others was becoming you or no for as it is a fundamental Right Inherent to both Houses of debating approving or Rejecting whatsoever is propounded by the other House we could never have imagined that our not giving directly into your measures as to the draught of the Oath laid before us by M^r Attorney General would have drawn upon us such undeserved Calumnies as those of having Inverted the Order and end of our Office of Consulting his Lordships Pleasure more than his Interest and lastly of having neglected to give his Lordship the necessary advices upon the late Address transmitted to him by your House Certainly when you consider the thing you will have Just Reason to Acknowledge that such Unhandsome Reflections never had no Other foundation than Groundless Jealousy and the meer mistakes of your House for to say nothing of the first two which yet tend to a manifest breach of that good Correspondency which Ought Always to Subsist between the two Houses we may with a great deal of Justice Complain that Impossibilitys are made to be a part of our duty

Gentlemen You must needs confess that you forget yourselves sometimes and Give us Room to Believe that the Precipitancy of your proceedings is the Natural Result of your Zeal for the Good of your Country which however you are so sanguine in the pursuit of that you never once considered whether the Address mentioned in your Message came to our Hands or no. We Assure you it did not and that it remained a Mystery to us until the publication thereof in Print as to the Substance of it, Altho We had before been beholden to Common Fame for the truth of the Fact. We are sorry to find the Lower House of Assembly so far mistaken in Policy as well as in Prudence of Government as to Believe We had failed in our duty by postponing the Innovation which We have found in the form of the Oath to be advised on by the Lord Proprietor who by the help of the best Lawyers in Eng-

land might have been able to inform his Council of State here whether such Alteration which related only to that of the Kings Letter might be consistent with his Lordships Charter which we are of Opinion is of Great Security both to the Liberty and rights of the People of this province We leave it therefore to any impartial Judge upon due recollection of the matter whether we have failed in our duty and not rather done the Part of true Patriotts as well as of faithful counsellors of State. However our House having consulted M^r Attorney General upon that part of the Oath relating to the Kings Letters who Gave it as his Opinion that the Inserting that Clause of the Letters in the Oath of A Judge can be of no Prejudice to the Charter of this Province we are therefore willing to concurr with you in that Particular notwithstanding our former precaution therein

U. H. J.

Gentlemen We are very sensible of the Great Charge which this Session will bring upon the Country and are therefore willing to bring this Business to as Speedy a conclusion as possible without Giving any just cause to our Country of laying any ill Steps at our Door and as a convincing Evidence thereof we have prepared such a draught of an Oath as will in our opinions prove most Agreeable to the Office of a Judge as well as the Security of our constitution which we are as desirous of Preserving as its Possible for any of your House to be We do not condemn your Vigilancy in that point but we think it very hard that you should do us the Injustice of Suspecting us either as An Upper House or as his Lordships Council of State to be Enemies to it We therefore propose the draught of the Oath herewith sent you to be taken by all the judges of the Courts of Law

p. 155

Signed p order. S. Skippon Cl. Up Ho.

Sent by Col^o Holland and Col^o Young with the following draught of an Oath

I A B do Swear that as a Justice of the County Court in County in the Province of Maryland or as a Justice of the Provincial Court in the Province of Maryland In all Articles of his Lordships Commissions to me directed I will do equal Law and right to all the Kings Subjects rich and Poor according to the reasonable Laws Statutes and Customs of England and the Acts of Assembly & Usages of the Province of Maryland I will not delay any person of common Right for the Letters of the King the Lord Proprietary or any other person whatsoever nor for any other cause and in case any Letters shall come to me contrary to Law I will do nothing by them but cause them to be entred on Record & certify the King, the Lord Proprietary or Governor for the

U. H. J. time being of them & will proceed to execute the Law notwithstanding the same Letters I will hold the Courts according to the Acts of Assembly and directions in my Commission I will do and procure the Profits of the Lord Proprietary in all things where I may lawfully and Reasonably do the same I will not debar or hinder the prosecution of Justice nor take any Gift Bribe or Fee for delaying or hindering Judgment but will behave myself Justly honestly and faithfully to the best of my knowledge and Understanding so long as I shall continue in the said Office So help me God.

A Message from the Lower House by M^r Dashiell and [Cap^t] Ebenezer Blackiston viz.

By the Lower House of Assembly November 2^d 1724.

May it please your Honours

We cannot imagine that your Honours have had the least cause of concern or Surprise for any the matters you are pleased to impute to us by your message of the 31st past by M^r Bowles and of this day by M^r Tasker as Unpresided Unparliamentary or Violating any the Priviledges of Your House which whatsoever they be we wish you Always had and would preserve free from Violation as We do for tho
p. 156 you are pleased to Suppose a mistake In us, we can hardly have that Supposition of your House since We so plainly by our Message of the 31st past by M^r Tyler and M^r Taylor pointed out to your Honours how those Interlineations were made Viz. In conformity to your message indorsed on the Bill and since Your Honours are pleased to Insist that we have Apparently Violated the Priviledges of your House by our Artfully excusing as you are pleased to term it the Merchants therein mentioned instead of Excluding the Whole Paragraph we take the Liberty of Insisting but We hope with much more Candour and Justice that your Messages never could bear the sence you now contend for never proposing to exclude the whole paragraph nor to exclude any others but the Secretary and the Merchants and the amendment we made which you were pleased with so much freedom to Upbraid us with was only to exclude the Secretary and the Merchants but if you intended and hop'd to lead us into the Excluding all others when your words and our Intentions plainly intimated to you were to exclude none others we pray you to consider who were Endeavouring to be the most Artful especially considering that your Concurrence with the Bill on the Amendments you proposed was one Great Inducement for this House's postponing the further Consideration of those Unreasonable fees to the Secretary.

We have indeed true Cause of Concern when we find your U. H. J. Honours that have so long Acted as part of this Legislature now contending for innovations in our parliamentary proceedings and treating us in the manner you do for pursuing the Constant Practice of Amending Bills on Messages from your House for We defy the best Acquainted with the proceedings of General Assemblys here to give a Single Instance where ever Amendments were proposed by your House and concurred with by ours but the Bill was immediately Amended in our House according to our Sense of the Amendment you proposd and then pass'd for Engrossing This has ever been the practice & this practice We Pursued in the present case and when we find you moved to treat us in the most Reproachful manner for our doing so what can we expect from your Honours but Innovations and We take this occasion to insist they were only such that seem'd desired

We have already made the Bill Agreeable to the Genuine Sense & common Application of your Message and the true Sense, fully Express'd of our House & if Your Honours have Altered your Sentiments since you proposed the Amendment we beg you will rather be Frank in declaring so than to condemn so Useful and Expeditious a Practice in making such Amendments Thus we hope an Amicable Understanding may p. 157 be much better preserved and the Business before us better dispatched than by your Endeavours to drive or lead us into new Practices

Signed p Order M. Jenifer Cl Lo Ho.

Adjourned till morning

Tuesday November 3^d 1724

Present as yesterday.

A message from the Lower House by Col^o Mackall & three others

By the Lower House of Assembly November 3^d 1724.

May it please your Honours

In your message last night by Col^o Holland and Col^o Young you were pleased to propose the proceedings in Parliament as a Good President to the Proceedings of our Assemblys and you were pleased to say you have always Studied to speak your sentiments after that great Example We concur with you in the Choice of Presidents and if your Studies and the particular care you mention had not their due Success we heartily Wish they had If you have Always spoke after the

U. H. J. manner of the British Parliament in all the debates with Us throughout this whole Assembly then we hope should we speak like you it would be allowed by you to be speaking after the manner of the British Parliament but We hope Your Honours intended no Offence to that Great Body nor do we intend to Offer any to your House and if We are wanting in Good manners we promise to learn when the Business of our Country will Allow us more Leisure

Indeed We Apprehended your Honours were in Haste tho from the 28 of 8ber till the 2^d Instant in Answering our Message by Col^o Mackall & Others and we cant. find you have answered it as if you had given it A deliberate Reading We say in that Message for your Honours to wait for his Lordships Advice instead of Giving your Advice to his Lordship seems to invert the Order and end of your Office as Councillors and you were pleased to say in your last Message, that your not giving into our Measures concerning the Oath has drawn that Calumny on you We say we esteem it no ways necessary for faithful Councillors to know what will please their Prince before they give him their advice &c^a which tho' we spoke Generally of such as study'd rather to Please than to serve you are pleased to lay Claim to as Part of your Character and call it a Calumny thrown on you by us and we find because We give you our opinion of what good Consequence your communicating to his Lordship your sence of our resolves might have been you take that as a Calumny and a charge of neglect for not Advising his Lordship on the late Address and we hope in all this there is not the least appearance of Calumny but If your Honours are pleased to call our Reasonings with you by such names as you are displeased at we must leave you to your Liberty who best know how to describe yourselves and Actions

We did not charge your Honours with having had the Address for it was not directed to you We only supposed you to be Acquainted with it which tho you were not Judicially as an House yet most of you were in A Private Way and every member might have been for it was returned to the Secretary to be Copied and sent to England and now remains on publick Record but as our Message only mentioned that if [when] Your Honours were Acquainted with the Address you had then apprized his Lordship &c^a We desire you to Consider how Impossibilitys are thereby made a Part of your Duty or what Instances you have of our forgetting ourselves or of any Precipitancy or Sanguinity in the pursuit of what you say we never once Considered for we only suppos'd it might have been of use to his Lordship for you to have apprized

him when, and not before you were acquainted with the U. H. J. Address

We heartily Wish We were as good masters of Policy & prudence of Government as you think your selves to be We shou'd not then have called that part of the Oath An Innovation that was enacted in the Reign of Edward the third nor have waited long for the opinion of the best Lawyers in England concerning what was most Agreeable to the Constitution and Publick Weal of Maryland as you proposed in your former Message tho you deviate in your Present Message in this particular as well as forgetting that your Objections to the Oath was in Points more material than what you now mention and not in the Points you do now mention and since the Oath you do now Propose is exactly the same Words that M^r Attorney General proposed saving that you transpose the Word Reasonable viz. (according to the reasonable Laws Statutes and Customs of England and) instead of According to the Laws Statutes and Reasonable Customs of England &c^a which as you form it will leave room for the Judges to be Arbitrary what Statutes were reasonable the thing you at first Inveighed against and as M^r Attorney propos'd it, it evidently provides against that mischief and we hope your Honours will so far fall in with your own Measures against Arbitrary Judges as to Oblige us with placing the Word reasonable where it may be more Agreeable to the resolves of our House and our Constitution than as above Proposed.

We are sorry your Honours take that to your selves which was said of the Enemies of our Protestant Constitution but We cannot help your doing so, so we can only say we meant p. 159 you not nor will our Words bear such Construction if made by any that are not jealous of our censures

We most earnestly desire you will perfect what you profess towards the dispatch of the business now before you that we may no longer wait at so Vast an Expencc for the one single Bill relating to Officers fees which must drop in December if not concurr'd with

Sign'd p Order M. Jenifer Cl. Lo. Ho.

The Message being read the following Answer ¹ was prepared Viz.

By the Upper House of Assembly November 3^d 1724.
Gentlemen.

We find by several of your Messages and especially by that of this day by Col^o Mackall and three others In Answer to

¹For the text of the message which was sent in reply to this answer, and which is lacking from this record, see Lower House Journal, p. 176, *infra*.

U. H. J. ours last night by Col^o Holland and Col^o Young that instead of Carrying on an Amicable correspondency between the two Houses by Messages in Order to Cultivate A good Understanding and dispatch the publick Business you turn every thing into Banter and Ridicule a method unbecoming that Gravity and Wisdom which ought to be a Rule to every part of a Legislature which method If pursued must necessarily prolong this Session of Assembly create most unhappy misunderstanding between the two Houses and Impose a very great Charge upon our Country to Avoid which on our parts we shall wave all those indecent Reflections you have most unjustly cast upon Us in your last Message Above mentioned and confine ourselves to the Business now before us In Order thereto We insist that the word Reasonable as it stands in the Oath proposed by our House or some such Expression is highly necessary otherwise the Judges would have no discretionary Liberty to consider what Statutes of England are or ought to be in force here but would be Obliged by their Oaths to Give Judgment according [to] the Statutes of England whether Located or otherwise and in this opinion the Judges who are members of our House Concurr Therefore We can't consent that the Oath proposed by M^r Attorney General should be imposed upon the several Judges of this Province

Signed p Order S. Skippon Cl Up Ho.

Sent by John Hall Esq^r & Col^o Addison

A Message from the Lower House by M^r Dent & M^r Courts viz.

By the Lower House of Assembly 3^d November 1724.

May it please your Honours

We make it our earnest Request to your Honours that you will Give what business lyes before you the necessary dispatch we having nothing before us nor any thing to do but wait your Honours further motions.

Signed p order M. Jenifer Cl Lo Ho.

p. 160 Read the message of the 31st 8^{ber} 1724 by M^r Tyler and M^r Taylor and the following Answer prepared thereto

By the Upper House of Assembly November 3^d 1724
Gentlemen.

In Answer to your Message of Saturday last by M^r Tyler & M^r Taylor and to convince you that you are mistaken in

your construction of that Paragraph in the Bill for reviving U. H. J.
 the Act for Officers fees we take leave to represent to you a
 State of the case in the manner following The Sentence from
 whence the dispute arises stands originally in that Paragraph
 of the Bill viz. (Be it Enacted that any Person or Persons
 residing and Inhabiting this Province being Indebted in To-
 bacco to any Merchant or other person trading or commercing
 in or to this Province) & then provides that such Inhabitants
 shall have a Liberty to pay such Merchants or Traders in
 Flax or Hemp from whence we Observe that the persons here
 intended to have the Benefit of making Payments in Flax
 or Hemp are described to be Inhabitants or residents and the
 Persons obliged to receive such Payments are distinguished
 from them by the Character of Merch^{ts} or Traders in or to
 this Province a plain demonstration to every mans Under-
 standing that no other person could be Affected by that Clause
 but Merchants or Traders Now to this Our House Objected
 by the Indorsement on the Bill that it would be a Prejudice
 to trade and desired that what related to Merchants might be
 Omitted and to this [in] your message in Answer thereto you
 consented but in the Bill when it came Engross'd we find
 the Amendment made thus, to any Persons except Merchants
 or others trading into this Province Now if you Alledge that
 by this Clause in the Bill as it Originally stood all Persons as
 well Merchants as Inhabitants of this Province were Obligated
 to receive such payment then your Amendment is a plain
 contradiction to it self for you seem to except some Persons
 and yet exclude all Persons before mentioned in that Clause
 and this plainly shews that your House had the same under-
 standing of that Paragraph in the Bill that our House had
 and therefore We Again Conclude that the Interlineation of
 the Words Persons Except Is Introductive of a new provision
 in the Bill which before that Interlineation Obligated only
 Merchants and other trading Persons to receive Flax and
 Hemp but as now Altered by your House Excludes Merch^{ts}
 & Other trading Persons and Obliges all other Persons to
 receive Flax and Hemp in Payment of debts Thus we have p. 161
 plainly shew'd the truth of what we have asserted in our
 former Message relating to this Bill but to let you see we have
 no Aversion to the thing but to the manner of doing it and that
 we are willing to Conclude this Session by doing any thing
 that might be thought necessary for the Good of the People
 we propose that the Price of Flax in that bill be made five
 Pounds of Tobacco p Pound and the price of Hemp three
 pound of Tobacco p Pound with which Amendment we con-
 sent to Pass it

Sign'd p Order S. Skippon Cl Up Ho.

U. H. J. A Message from the Lower House by M^r Bozman and M^r Hawkins

By the Lower House of Assembly November 3^d 1724
May it please your Honours

In Answer to your Honours Message this evening by Col^o Ward We desire you will please to read the Bill and take notice of the Words of the Proviso which extend further than the parts of the Bill your Honours mention in your Message and Provide that the Act shall not in any ways affect the Publick or County Levy or 40 p Poll due to the Clergy which plainly shews that all the Inhabitants were intended to be Affected by that Law or that Proviso was Useless And if you please to compare this Bill with the part of Tobacco Law relating to the same you will there find it was the Sense of the Legislature that by the like Words in the Enacting part all persons were affected as by the Proviso therein more fully appears which words if your Honours approve them better may be added to this Bill

But upon the whole the vote having been put with us whether to recede from the rates proposed in the Bill it was carried in the Negative and therefore we cannot recede from it

Signed p Order M. Jenifer Cl Lo. Ho.

Adjourned till morning.

Wednesday November 4th 1724

Present as yesterday.

Read yesterdays Message by M^r Bozman and M^r Hawkins and the following Answer prepared thereto viz.

By the Upper House of Assembly Nov^r 4th 1724.
Gentlemen.

In Answer to your Message of Yesterday by M^r Bozman & M^r Hawkins we Assure you that we have many times read and considered both the Bill and the Proviso and the more we read the more We admire that you shou'd contend for such a forc'd and improper construction of them As for your Argument drawn from the proviso in the Bill we think it carrys as little Weight as those you have Used to maintain your sence of the Clause in the Bill for if none but merchants were mentioned in the Bill that Proviso would be necessary because

it may often happen that Merchants may have Publick Allow-
ances or be intituled to some part of the 40 p Poll, and then
if the proviso was not made they must be Obliged to take Flax
and Hemp in payment for those publick dues. U. H. J. p. 162

But waving all further debates of this Kind we desire you
will be pleased to consider the evil Consequence that must
needs ensue if the Act for Ascertaining Officers fees be suf-
fered to expire for then there will be no rule between the
Officers what charges shall be made for the Services done by
the Several Officers but they will be left to their own dis-
cretion to charge what they please which will lay a foundation
for endless disputes between them & the People and produce
innumerable Law Suits to the Great Prejudice of the People
and much to the Advantage of the Officers who will thereby
increase their fees Besides Gentlemen we think that the Price
we have proposed for Hemp and Flax is reasonable Con-
sidering the Great Scarcity of Tobacco & the Great Price that
in all Likelyhood it must bear this year therefore hope you
will consent to make the Amendments Proposed in the Bill

Signed p order S. Skippon Cl Up Ho.

Sent by James Bowles Esq^r

Read the Message relating to the Commissarys General &
Secretarys Bond and the following Answer prepared thereto
viz.

By the Upper House of Assembly November 4th 1724.
Gentlemen.

We have pursuant to your desire in your message of the
second Instant Ordered our Clerk to give Esq^r Brooke one
of the Commissarys General An Account of your Opinion
of his right to the fees of that Office & have Also Advised
the Secretary of the same in relation to his Office who answers
he has unhappily been under the misfortune of only consider-
ing the first Law for repairing the Records without regard
to the Supplementary Act to the same Purpose which is the
true Reason that he has not yet complied with what the said
Law required in Giving Bond for securing the Records of that
Office but that he will immediately Comply in entering into
such Bond with Security as the Law directs

Signed p Order S. Skippon Cl Up Ho.

Sent by M^r Tasker.

A Message and Bill Entituled a Supplementary Act to the
Act for Encouraging the making Hemp and Flax within this

U. H. J. Province by Captain Hooper and M^r Bozman thus endorsed viz.

By the Lower House of Assembly 9^{ber} 4th 1724

Read the first and second times by especial Order and will Pass

Signed p Order M Jenifer Cl Lo Ho.

A message as follows.

By the Lower House of Assembly November 4th 1724.

[May it please your Honours]

p. 163 In order to shorten the further continuance of this Session and to Avoid any further debates on the Bill for reviving the Act for Limitation of Officers fees &c^a We have concluded to Strike out the last Paragraph thereof relating to Hemp and Flax and have prepared a Supplementary Bill to the Act for Encouraging the making Hemp and Flax herewith sent instead thereof and hope the same will pass in your House

Signed p Order M Jenifer Cl Lo Ho.

Read the Message of October 30th by M^r Dashiell and M^r Young and the following Answer prepared thereto viz.

By the Upper House of Assembly November 4th 1724
Gentlemen.

We think we have complied with our Promise to you and our duty to our Country as far as it relates to the differences between the People and Sheriffs In Passing the Reviving Bill for Officers fees with the provision therein made for that purpose but your Reasons in your Message of October 30th by M^r Dashiell and M^r Young are not sufficient to remove all Inconveniences we Apprehend from a popular election of Sheriffs for Altho' the Charge and trouble of electing Delegates must be born with for Supporting the rights and priviledges of the People yet there is not the same necessity for that charge and Trouble to elect Sheriffs in prejudice of the Prerogative Besides if the Laws in force to prevent the oppression of the Sheriffs will be a restraint upon them in so doing which in your message you assert your Chief Reason for a Popular Election fails, and We are of Opinion that the Laws heretofore and at this Sessions provided will very well Secure the People from Oppression by the Sheriffs but if notwithstanding the Sheriffs should make use of any illegal means so to do We doubt not but his Honour the Governor upon Complaint to him made will take care to restrain or displace

them of whom we believe they will be as much Afraid as of U. H. J.
the people To conclude If what we have before Offered nor
our Observations that the Appointing of Sheriffs is a Branch
of the prerogative has not any weight with you be pleased
to take your own measures to perswade his Honour the Gov-
ernor or the chief magistrate for the time being that the
Peoples Electing of Sheriffs will be an ease to the prerogative
and we shall rest Satisfied with having done our duty in
this Affair

Signed p Order S^t Skippon Cl Up Ho.

Sent p Col^o Tilghman

An Engrossed Bill from the Lower House for Limitation
of Officers fees by M^r Beale and Captain Harrison Assented
to by the Lower House and being read likewise Assented to by
this House.

Read the Levy Bill and this Indorsement made thereon

By the Upper House of Assembly November 4th 1724.

Read and will Pass.

p. 164

Signed p Order. Samuel Skippon Cl. Up. Ho.

An Engrossed Bill from the Lower House for the Encour-
agement of making Hemp and Flax by M^r Dashiell and Cap-
tain Hooper Assented to by the Lower House and likewise
Assented to by this House

An Engrossed Bill intituled An Act for the Payment and
Assesm^t of the Publick Charge of this province for this
present year 1724 assented to by the Lower House and being
read likewise Assented to by this House

Read the Message of the 2^d Instant relating to the Resolves
of the Lower House and the following answer prepared
thereto viz.

By the Upper House of Assembly November 4th 1724.
Gentlemen.

By your Message of the 2^d Instant by M^r Wright & M^r
Hawkins you desired to know our Sentiments of the Resolves
of your House communicated to us in the year 1722 We
therefore acquaint you that we approve of them so far as they
relate to the constitution of this province

Signed p Order S. Skippon Cl Up Ho.

Read the message of yesterday by M^r Tyler and Col^o John
Ward the following answer prepared thereto

U. H. J. By the Upper House of Assembly November 4th 1724
Gentlemen.

We are sorry to find such a disposition in your House to Clamour at and Asperse ours as appears almost in all your Messages a fresh Instance whereof you have Given us in your Message yesterday by M^r Tyler & Col^o Ward relating to the Oath of A Judge wherein you represent us as persons Acting such things as tend to the Subversion of the constitution. This Gentlemen is A very heavy Charge indeed and we cant think it otherwise designed then to endeavour to render the Upper House of Assembly A part of our Legislature Odious in the Eyes of the people A practice which tends much more to the Subversion of our constitution than any thing you can justly Charge us with and to Avoid which we are Obliged to Protest and declare that according to the best of our knowledge and Ability We Always have and Always will endeavour to support our Constitution with a just Regard to the Prerogative and the Liberties and Priviledges of the Good People of this Province but in order to reconcile the difference between our House and yours if possible we propose the following Alteration viz. that instead of the Clause (according to the Laws Statutes and reasonable customs of England and the Acts of Assembly and Usages of the Province of Maryland) this Clause be incerted in the Oath (according to the Laws Statutes & reasonable customs of England and the Acts of Assembly usages and constitution of this province) with which if your House concurs the Alteration may be made in the Oath accordingly

Signed p Order S. Skippon Cl. Up. Ho.

Sent by M^r Tasker.

A Message from the Lower House by M^r Tyler and Col^o John Ward

By the Lower House of Assembly November 4th 1724.
May it Please your Honours

We concur with the form of the Oath proposed by your Honours message by M^r Tasker and desire that the Alteration may be made accordingly

Signed p Order M. Jenifer Cl Lo. Ho.

Col^o Young sent to acquaint the Speaker and whole House that his Honour the Governor requires their attendance in the Council Chamber immediately

M^r Speaker and the whole House gave their attendance and saw the following Laws Assented to on behalf of the right Honourable the Lord Proprietary by his Honour the Governor and Signed by him and Sealed with his Lordships Seal at Arms viz. U. H. J.

¹ N^o 1 An Act to Prohibit the Exportation of Indian Corn for the time therein limited to suspend the execution of an Act entituled An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat or other Indian or English Grain or Meal, Horses, Mares, Colts or Filleys from Pennsylvania and the Territories thereto Belonging

N^o 2 An Act for the Relief of such persons as have been convicted of any Breach of the Acts of Assembly for preventing the making Trashy Tobacco and for the bettering the Staple of this province and the Explanatory Act thereof unheard or have suffered by the misconstruction of the said Laws.

N^o 3 An act to cutt off the Entail of a certain Tract of Land called Billingsleys Point and to enable John Jordan to make Sale of the same.

N^o 4. An Act investing an Estate of Inheritance in fee Simple of a Tract of Land called little Bohemia or Bohemia Middle neck in Ephraim Augustine Herman of Cecil County Gent and his Heirs forever and to cutt off the Entail thereof and to make Good and Valid any Sale thereof to be made by the said Herman or his heirs aforesaid

N^o 5 An Act declaring what Estate Gabriel Parker and Ann his Wife, John Abbington and Mary his wife, William Hutcheson and William Pile and Elizabeth his Wife have in the Lands severally devised to them by William Hutcheson Gentleman deceased.

N^o 6 A Supplementary Act to the Act Entituled An Act for the relief of Debtors and ascertaining the manner of Tenders in Tobacco

N^o 7 An Act to confirm unto William Anderson of Ann Arundell County a certain Tract of Land herein after mentioned

N^o 8 An Act for the Naturalization of John Swineyard of Baltimore Co^{ty} p. 166

N^o 9. An Act for confirming a certain deed of Settlement made by Rob^t Proctor of certain Lands and Tenements therein mentioned to his then Wife Rachel now called Rachel

¹The Act designated as No. 1 appears to have been signed on October 29. See p. 56, *supra*.

U. H. J. Freeborn and to invest the said Rachel with other Lands in pursuance of one deed of Gift or Settlement

N^o 10. An Act repealing part of An Act Entituled An Act laying an Imposition on negroes and several Sorts of Liquors imported and also on Irish Servants to prevent the importing too great a number of Irish Papists into this Province

¹ N^o 11. An Act for securing the rights and Inheritances of sundry the Inhabitants within this province against certain impositions by pretence of Suspected deeds.

N^o 12 An Act for the relief of sundry languishing Prisoners therein mentioned

N^o 13. An Act to enable John Cheney and Mary his Wife to sell in fee Simple three hundred Acres part of a Tract of Land called Waterford notwithstanding the same is specially entailed on the heirs of the Body of the said Mary by Benjamin Williams of Ann Arundell County

N^o 14. A Supplementary Act to the Act Entituled an Act for the marking of High ways and making the Heads of Rivers Creeks Branches and Swamps passable for Horse and Foot

N^o 15 An Act for the Relief of the Devisees of James Phillips the elder and Anthony Phillips late of Baltimore County deceased.

N^o 16. An Act for erecting a Town at Joppa in Baltimore County & for securing the Land whereon the Court House and prisons are built to the Use of the said County.

N^o 17. A Supplementary Act to the Act Entituled An Act for the Trial of All Facts in the counties where they have arisen and shall Arise the continuance of causes in the Provincial Court and Adjournment of that Court.

N^o 18. An Act for explaining a Paragraph of the Supplementary Act to the Act entituled an Act directing the manner of electing & summoning Delegates

N^o 19. An Act relieving the Inhabitants of this province from some difficulties they may lye under in paying their Levies and other just debts this year

N^o 20 An Act for the relief of Thomas Dent of Charles County Gent

N^o 21. An Act reviving and continuing the Act for Limitation of Officers fees and for supplying some defects therein and for Amendment thereof in some particulars and restraining some evil practices of Sheriffs

¹The Act designated as No. 11 appears to have been signed on October 29. See p. 56, *supra*.

N^o 22 A Supplementary Act to the Act for Encouraging U. H. J.
the making Hemp & Flax within this Province p. 167

N^o 23. An Act for the payment and Assessment of the
publick Charge of this Province for this present year one
thousand seven hundred and twenty four

And then his Honour was pleased to conclude the Session
in the following manner viz.

Gentlemen of the Upper & Lower Houses of Assembly.

This Sessions being concluded it Remains only that I
Prorogue you which I hereby do with the Advice of his Lord-
ships Council to the 16th day of February being the third
Tuesday of the said month and you are required to take notice
that you are accordingly so prorogued

Charles Calvert

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, October 6–November 4, 1724.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

At a Session of Assembly (by Prorogation from the twenty Sixth day of October last) held at the City of Annapolis on Tuesday the Sixth day of October in the ninth year of the Dominion of the Right hoñble Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. Annoq Dom 1724 Appeared in the Lower House of Assembly of the said Province the following Members viz.

L. H. J.
Original
p. 119
(Compared
with Calvert
Papers 776)

The Hoñble Robert Ungle Esq^r Speaker.

For Saint Marys County

M^r Thomas Waughop
Cap^t Justⁿ Jordan
M^r John Read

For Ann Arundell County

Thomas Bordley Esq^r
John Beale Esq^r
M^r Richard Warfield

For the City of Annapolis

Daniell Dulany Esq^r

For Calvert County

Col^o John Mackall
M^r Benjamin Mackall

For Charles County

Cap^t Joseph Harrison
M^r George Dent
M^r John Courts
M^r Henry Holl^d Hawkins

For Talbott County

M^r John Oldham
M^r Thomas Bozman

For Baltimore County

M^r Thomas Tolley
M^r William Hamilton
Cap^t John Taylor

For Somersett County

M^r Nathaniell Hopkins
M^r William Whittington

For Dorchester County

Cap^t John Hudson
Cap^t Henry Hooper
M^r Mathew Traverse
M^r Edm^d Pritchett

For Cecill County

Col^o John Ward

For Prince Georges County

M^r Robert Tyler
M^r Ralph Crabb
M^r Thomas Gant

There being a Sufficient number of Members met to make an house,

L. H. J. It is ordered that Coll. Mackall and M^r Tyler go to the Upper House to Acquaint his Honour the Governour that a Sufficient number of Members are met to make the House

They return and say they Delivered their Message.

Col^o Young from the Upper House Acquaints M^r Speaker that his Honour the Governour requires him and the whole
p. 120 House to Attend him Immediately in the Upper House and withdrew.

Thereupon M^r Speaker with the whole House went to the Upper House where his Honour the Governour was pleas'd to make the following Speech viz.

Gentlemen of the Upper and Lower Houses of Assembly

Having recēd no Late Instructions (by reason of the Shipping not being yet Arrived) I have nothing to Lay before you from my Lord Proprietor.

Gentlemen.

It will be very necessary to fall upon Some Method to prevent the Exportation of Corn out of this province, when there is reason to fear, We may be reduced to want it our Selves; and which will be our Case in a little Time if not prevented For by report, our neighbouring Colonies have Suffered very much in their Corn, and they will (no Doubt) purchase more than wee Can prudently Spare them, therefore I think it very worthy your Consideration.

I shall Conclude with heartily recommending the necessary dispatch of the publick Affairs, and as I have nothing more at heart than the prosperity of the Country, I do not in the Least Doubt your best Wishes for the Publick welfare

Cha: Calvert.

M^r Speaker with the rest of the members return to their Own house where M^r Speaker resumes the Chair and reports what his Honour the Governour had before Spoken.

M^r George Dashiell a member returned to Serve for Somersett County in the room of M^r Thomas Purnell decēd Appears in the House.

Ordered that M^r Hopkins and M^r Whittington go with the said Dashiell to the Upper House and see him qualified. They return and Say they see him qualified. Thereupon he took his place.

Resolved that this House will [sit for] business from nine

of the Clock in the forenoon, till [four] in the Afternoon And L. H. J. thereupon the following message is prepared viz.

By the Lower House of Assembly

Octob^r the 6th 1724

May it please your Honours.

p. 121

This House in Order to Dispatch the publick business as much as in them lies have made a Resolve to Sit from nine of the Clock in the forenoon till four in the Afternoon and Desire to know whether the times proposed are Agreeable to your Honours.

Signd p Order M Jenifer Cl Lo Ho:

Which was sent to the Upper House by M^r Crabb and M^r Waughop

They Return and say they Delivered it

The House Adjourns till to morrow morning nine of the Clock.

Wednesday, Octob^r the 7th 1724.

The House met According to Adjournment.

Yesterdays Proceedings are read.

Ordered that M^r Speaker Issue his warrant to the Secretary to prepare new writts of Election.

To the Sherriff of Saint Marys County for the Electing a Member to serve in the Room of Col^o William Watts dec^d

To the Sherriff of Kent County for the Electing a Member to Serve in the room of M^r Samuell Wallis Decēd.

To the Sherriff of Ann Arundell County for the Electing a member to serve in the Room of M^r Joseph Hill Decēd.

Which Issued Accordingly.

Ordered that Daniell Dulany Esq^r Acquaint the Reverend M^r Samuell Skippon that this House desires him to read Divine Service dureing this Session at Eight of the Clock in the morning and at four in the Afternoon.

He Returns and says that he has Acquainted M^r Skippon thereof.

John Hall Esq^r from the Upper House Delivers M^r Speaker the following message viz.

By the Upper House of Assembly

Octob^r the 7th 1724

Gent.

This House Agrees to your Message yesterday by M^r Crabb

L. H. J. and M^r Waughop as to the Hours of Meeting for the Dispatch of the publick business

Signd p Ord^r Sam^l Skippon Cl. Up. ho.

p. 122 The Severall Committees are Appointed to be of the same members as Last Sessions, and Thomas Bordley Esq^r is Added to the Committee of Aggrievances.

Col^o Mackall from the Committee of Elections and priviledges returns the following report viz.

By the Committee of Elections & Priviledges

7th Octob^r 1724.

On Inspection into the writt and Indenture returnd from Sommersett County for M^r George Dashiell Wee find him duly Elected.

Signd p Order John Gibson Cl. Com.

On reading his Honour the Governours Speech again this day, Ordered that the Committee of Laws prepare Answer thereto.

M^r Speaker reports to the House that he had Advice from his Correspondent in England, that the Address of the Last Sessions to the Right Hon^{ble} the Lord Prop^r was delivered to his Lordship at Epsom the 26th Day of December last to the best of M^r Speakers Remembrance but not haveing the Letter with him referrs thereto for better Certainty.

The Rules of the House as they Stood last Sessions were Approved of and Set up.

M^r Stoddert Appears in the House.

Thomas Jobson being Appointed Sergeant Attendant to this House the Last Sessions in the room of Richard Young, Late Sergeant Quallifies himself According to Law by taking the severall Oaths Appointed by Act of Assembly to be taken, subscribing the test and takeing the Oath of Sergeant before Coll^o John Mackall.

Maj^r Malden appears in the House.

The House Adjourns 'till to Morrow morning nine of the Clock.

Thursday Octob^r the 8th 1724.

The House meets According to Adjournment

Yesterdays Proceedings are read

Cap^t Dun M^r Kennard M^r Blackiston M^r Sherwood Cap^t King, M^r Freeman M^r Edward Wright M^r Solomon Wright

M^r Chairs & M^r Elliott Appear in the House being hitherto L. H. J. Detained from Comming, by the Contrary Winds.

On reading the return of the Sherriff of Calvert County and the former Orders of the Assembly relateing to the Removall of that County Court House referred from Last Sessions p. 123

The Question was put whether the Court House shall be Removed or not? &

Carried in the Affirmative

Then the Question was put whether the Court House shall be removed to Hunting Town or Williams Old field

And Carried by Majority of Votes that it be removed to Hunting town according to the Vote of the ffree holders of Calvert County.

Thereupon Leave is given to bring in a Bill Accordingly.

Coll^o Addison from the Upper House Delivers M^r Speaker the Petition of Sundry Inhabitants of Baltemore County praying Leave to bring in a bill for the Laying out a [town as formerly where the] Court House now Stands thus Endorst viz.

By the Upper House of Assembly

Octob^r the 8th 1724.

Read and recomended to the Consideration of the Lower House of Assembly.

Signd p Order Sam^l Skippon Cl Up ho.

Which being read Ordered that notice be given to Coll^o Maxwell which if proved to be given by thursday next Leave be given to bring in a bill as prayd Unless Coll^o Maxwell shall shew Cause to the Contrary this Sessions.

The Petition of Aquila Paca and Martha his wife heretofore preferr'd to this House praying to be relieved Concerning the Will of James Phillips the Elder being Destroyed is now Again read and Leave is given Thomas Bordley and Daniell Dulany Esq^{rs} to be of Councill for the petitioner Martha (the said Aquila as is Suggested being Since Dead & the right in the said Martha) they being Concern'd therein for the petitioner before their Election Thereupon It is Ordered that notice be given to Aquila Hall Gent & his wife the Relict of James Phillips the younger Deced to Appear here this Sessions (if such notice can Conveniently be given) to Answer the Allegations in the petition and Leave is given all parties to summons Evidences.

L. H. J. The Petition of Sam. Murray, John Cornellius and of Mathew Ashly Languishing prisoners in the Goal At the City
p. 124 of Annapolis were Severally read and ordered that notice be given their Severall Creditors that if they think fit they may Appear this Sessionis and make their Objections against bringing in a Bill for their relief.

Col^o Mathew Tilghman Ward from the Upper House Delivers M^r Speaker the Petition of John Sweenyard of Baltemore County praying Leave to bring in a Bill for his Naturalization thus Endorst (viz)

By the Upper House of Assembly

October 8th 1724.

Read and Recommended to the Consideration of the Lower House of Assembly.

Signd p Order Sam^l Skippon Cl Up ho.

Which being Read Leave is given to bring in a Bill as prayd on quallifying himself According to Law.

Col^o John Mackall Reports that he has Quallified himself Accordingly.

An Answer to his Honour the Governours Speech brought in from the Committee of Laws was read and Approved of and is as follows viz.

To the Honourable Charles Calvert Esq^r Governour of Maryland.

The Humble Address of the Lower House of Assembly.
May it please your Honour.

Wee Return your Honour our Unfeigned thanks for your Kind Speech, and so Earnestly recomending the publick Wellfare to our Consideration and hope we shall Imitate the good Example you are pleased to give us, of makeing the good of our Country our Chiefest Care.

We are of Opinion that it is Absolutely necessary at this time to hinder the Exportation of our grain (the danger of its being much wanted Among ourselves being Very Apparent) and therefore we shall proceed in the best manner we are Capeable on the present Occasion and to provide for future times of Scarcity.

Signd p Order M. Jenifer Cl Lo. Ho.

p. 125 Daniel Dulany Esq^r is sent to his Honour the Govern^r to know where his Honour will be pleased to receive the said Address.

He returns & says that his Honour will be ready to receive L. H. J. it immediately in the Conference Chamber

Thereupon the same was sent to his Honour the Governour by M^r Stoddart and five other Members

They return & say they Deliver'd it

Ordered that the Committee of Laws prepare a Bill for prohibiting the Exportation of Grain out of this province: And it is an Instruction to that Committee that the prohibition continue till the last day of June next with a Clause empowering the Governour and Council by their proclamation to Suspend or Continue the said prohibition.

James Bowles Esq^r from the Upper house delivers M^r Speaker the severall petitions following Viz.

The Petition of Thomas Dent of Charles County of Frances Dorsey widow John Marsh John Hurst Edward Norwood & Ann Brahan of Baltimore County And of Thomas Shores of the City of Annapolis all languishing Prisoners severally thus endorst Viz:

By the Upper house of Assembly

October the 8th 1724

Read and referr'd to the Consideration of the Lower house of Assembly

Sign'd p Order Sam^l Skippon Cl Up ho.

John Rousby Esq^r from the Upper house delivers M^r Speaker The Representation of Sundry Inhabitants of Dorchester County thus Endorst viz.

By the Upper house of Assembly

October the 9th 1724

Read and referr'd to the Consideration of the Lower house of Assembly. p. 126

Sign'd p Order Sam^l Skippon Cl Up ho.

Which was read and thereon the following Endorsement was made viz:

By the Lower house of Assembly

October the 8th 1724

May it please y^r Hon^{rs}

We believe the hardships complained of in the within Representation is not the Case of Dorchester County alone but of the whole province in Generall and therefore are desirous to find a suitable relief and propose that some of

L. H. J. the Members of your honourable house may be joynd with some of the Members of this house in a Conference for that purpose if your Honours think fit.

Sign'd p order M: Jenifer Cl. Lo. Ho:

And sent to the Upper House by M^r Beale & M^r Crabb They return & say they delivered it.

Benjamin Tasker Esq^r from the Upper house delivers M^r Speaker the following petitions viz:

The petition of John Cheney and Mary his Wife praying leave to bring in a Bill to cutt off the intail of part of a parcell of Land called Waterford.

And the petition of Gabriel Parker and Ann his wife, John Abington and Mary his wife William Hutchinson W^m Pile and Elizabeth his wife praying leave to bring in a declaratory Bill to Supply some defects in the will of W^m Hutchinson deced, Severally thus Endorst viz:

By the Upper house of Assembly

October the 8th 1724.

p. 127 Read and referr'd to the Consideration of the Lower house of Assembly.

Sign'd p Order Sam^l Skippon Cl Up Ho:

Which petitions are read for further Consideration.

The House adjourns till to Morrow morning nine of the Clock.

Friday October the 9th 1724

The House meets according to Adjournment.

Yesterdays proceedings are read.

Coll Addison Coll Ward and Jn^o Rousby Esq^r from the Upper house deliver M^r Speaker the Representation from Dorchester County thus Endorst Viz:

By the Upper house of Assembly

October the 8th 1724.

Gent.

This House does appoint the Hon^{ble} Coll. Addison Coll Ward & John Rousby Esq^r to enter upon a Conference with such Members as your House shall appoint upon the Subject of the within Representation and they are ready to enter thereon immediately

Sign'd p order. Sam^l Skippon Cl. Up. ho:

With which this house Concurr and thereupon Coll. Jn^o L. H. J. Mackall, Thomas Bordley Esq^r James Stoddert Esq^r Cap^t Robert King M^r Thomas Bozman & Cap^t Henry Hooper are appointed to Joyn the Members of the Upper house in the Conference proposed And the following Message is prepar'd viz:

By the Lower house of Assembly

October the 9th 1724.

May it please your Honours.

We Concurr with your Message this Day by Coll Addison Coll Ward & John Rousby Esq^r and do appoint Coll John Mackall Thomas Bordley Esq^r James Stoddert Esq^r Cap^t Robert King M^r Thomas Bozman and Cap^t Henry Hooper to joyn the Hon^{ble} Members appointed by your house in the Conference propos'd who are ready to enter thereon immediately. p. 128

Sign'd p Order M: Jenifer Cl Lo. Ho:

Which was sent to the Upper house by the Gentlemen appointed. They return and say they delivered it.

M^r Tyler from the Com^{it}tee for Courts of Justice returns the following report viz:

By the Com^{it}tee for Courts of Justice

October the 8th 1724.

We find the form of the Oath now taken by the Several Justices of the provinciall Court to be as follows viz:

Com^{is}sioners Oath of the Provincial Court

You shall swear that as a Com^{is}sioner and Justice of the peace in the Provincial Court of the Province of Maryland in all Articles in his Lordships Com^{is}sion to you directed you shall do equal Right to the poor as well as to the Rich to the best of your Cunning Skill and Knowledge, and according to the presidents and Customs of this province and Acts of Assembly in such Case made and that you hold your Sessions or Courts as you are directed in your Com^{is}sion or according to Acts of Assembly in that behalfe provided and all fines and Amercements that shall happen to be made and all forfeitures which shall fall before you, you shall cause to be entered without any Concealment, and Certifie the same to his Lordships Receiver of this Province. You shall not debarr or hinder the prosecution of Justice nor take any Gift Bribe or ffee for the delaying of Judgment but shall behave yourself

L. H. J. justly & truly to the best of your understanding so long as you shall Continue in the said Office or untill you shall be by lawfull Authority discharged therefrom So help you God.

We also find the County Justices take the same Oath mutatis mutandis.

Which forms we humbly observe want the Clause agreed upon in the Resolves given in Charge to your Committee, and
p. 129 likewise are defective in some other particulars (through the frequent transcribing and mistake of Clerks as we presume) which particulars your Committee desires leave to Report verbally to the House.

Sign'd p order Ninian Mariarte Cl. Comē.

Whereupon the observations of the Committee being reported verbally to the House, It is recommended to M^r Attorney Generall to amend and alter the Oath according to the former Resolves and the Report of that Committee.

The Petition of Cap^t Thomas Dent of Charles County was Read and rejected.

On reading the petitions of sundry poor Prisoners The Question was put whether the Vote shall be that the Creditors of languishing Prisoners Applying to the Assembly for their Discharge, shall have notice before the Prisoners are discharged or not & It passed in the Affirmative

Thereupon the several petitions following were indorsed accordingly Viz:

The Petition of John Oliver of Kent County Frances Dorsey, John Hurst and Edw^d Norwood of Baltimore County Of Thomas Shores of the City of Annapolis of Ann Brahan of Baltimore County of Susannah Mitchell of Prince Georges County & of William Owens & Jacob Ratcliffe of Queen Anns County

On Reading the Petition of Samuel Gover setting forth that he has suffered much by being condemned unheard for turning out seconds contrary to the Tobacco Laws,

Resolved that a Bill be brought in to give Relief to all persons who shall happen to be under such Circumstances, And ordered that the Committee of Laws prepare the Bill accordingly.

M^r Josiah Sutton appears in the House

The House adjourns till to Morrow morning nine of the Clock

Saturday October the 10th 1724

L. H. J.

The House meets according to Adjournment

Yesterdays proceedings are read.

p. 130

The Petition of W^m Owens and Jacob Ratcliffe languishing Prisoners was read and as to Ratcliffe leave is given to bring in a bill for his imediate discharge being otherwise like to Die in a few days with a provisoe not to debarr him from suing for his remedy in fforma pauperis And as to William Owens it appearing that his Creditors have had notice Leave is given to bring in a Bill for his Relief.

The petition of Samuel Murray was read and rejected. The Petition of Rachel ffreeborne referr'd from last Sessions was read and leave given to bring in a Bill with the Exceptions mentioned by the Pet^r at the Barr.

It being propos'd that for the more effectually publishing the Resolves and the Address relating to the Constitution of Maryland, the same may be printed, Resolved that any person have the Liberty of printing them that will undertake the same

On reading the Report from the Comittee for Courts of Justice the following Message is prepar'd viz:

By the Lower house of Assembly

October the 10th 1724.

May it please your Hon^{rs}

By a Report made to this House this Sessions from our Comittee of Courts of Justice It seems the Clause of the Oath of a Judge used in England which on the Twenty fifth day of October 1722 was resolved by this House to be a necessary Clause in the Oath taken by the Judges in this province is not used in the oath taken by the Judges of the Provincial Court nor of some County Courts within this province Your Honours may please to observe from your Journall that the Resolves then made were Communicated to you from this House by a Message of the 31st of October that same sessions, and your Hon^{rs} on the third of November then next by your Message were pleas'd to Observe,

p. 131

That those Resolves being of the greatest Consequence to the Lord Prop^r and this province And that Sessions being near a Conclusion you had not time for so mature a Consideration as the nature of them required and therefore referr'd the further Consideration of them untill the then next Sessions of Assembly.

How farr your Honours were pleas'd to Consider of them in the then next and now last Sessions is best known to your

L. H. J. Honours. But as we Do not find the Clause resolved inserted in the Oath above, we now take the Liberty of recommending it further to your Honours Consideration and Endeavours to procure the same to be done, and have directed M^r Attorney Generall a Member of this House, to lay before your Honours a Draught of such Oaths as may be more agreeable to the Oaths used in England and to the Constitution of this province than those now used which as we conceive have some defects therein from the frequent and careless transcribing of them by young and careless Clerks.

Sign'd p Order M. Jenifer Cl Lo: Ho:

Which was sent to the Upper house by Coll Mackall and five other Members They return & say they have delivered it.

On a motion being made the Question was put whether the Act prohibiting the Importation of Bread beer and flower & from Pennsylvania so far as relates to Bread & flower shall be repealed or only suspended for a time.

Carried by Majority of Votes that it be only Suspended till the last day of June next.

The Question was put whether all Grain shall be prohibited to be exported or only Corn.

Carried by the Majority of Votes that the Prohibition relate only to Corn and to Continue till the last day of October next.

p. 132 Coll Young from the Upper house delivers M^r Speaker The Petition of William Ashley against the releasing of Mathew Ashley a prisoner thus endorst viz:

By the Upper house of Assembly Octob^r 10th 1724

Read and Recommended to the Consideration of the Lower House of Assembly

Sign'd p Order Sam^l Skippon Cl Up ho.

Whereas it is represented to this House that Jacob Ratcliff a prisoner in the Custody of the Sheriff of Queen Anns County who has obtained leave of this House to bring in a Bill for his Relief is so dangerously ill that unless he is immediately releast 'tis expected he will die

But for that the Bill cannot be so imediately speeded as is necessary,

Resolved by the House nemine Contradicente that the Sheriff of Queen Anns County suffer the said Jacob to remove to some convenient place in the said County to be taken Care

of in Order to preserve his life and the Restoration of his L. H. J. health And that there be a Clause in the Bill to be past for the said Ratcliffs Release to Indemnifie the Sheriff for so doing

The House adjourns till Monday morning nine of the Clock.

Monday October the 12th 1724

The House meets according to Adjournm^t

Saturdays proceedings are read.

Resolved that M^r Crabb Cap^t Hooper M^r Chairs and M^r Warfield be a Com^{it}tee to joyn with such of the Members as shall be appointed by the Upper house to View the new Gate house built by Capt Harrison and make their Report thereon whether the said Capt. Harrison has comply'd with his Agreement

And thereupon the following Message is prepar'd Viz.

By the Lower house of Assembly Octob^r 12th 1724
May it please your Hon^{rs}

p. 133

This House being willing to be Satisfied whether the new Gate house is built & finished according to the Agreement Last Sessions made with Capt. Harrison desire that your Honours will be pleased to joyn some of the Members of your House with M^r Ralph Crabb Cap^t Nath^l Hopkins M^r John Chairs & M^r Richard Warfield members of our House in a Com^{it}tee on that occasion

Sign'd p Order M. Jenifer Cl Lo: Ho:

Which was sent to the Upper house by the Gent Appointed They return & say they delivered it.

John Hall Esq^r from the Upper house delivers M^r Speaker the Petition of Samuel Murray thus Endorst Viz.

By the Upper house of Assembly

October the 12th 1724

Read and referr'd to the Consideration of the Lower house of Assembly.

Sign'd p Order Sam^l Skippon Cl Up Ho:

Which being Read in this House is rejected.

L. H. J. James Bowles and Benja Tasker Esq^{rs} from the Upper house deliver M^r Speaker the following Message Viz:

By the Upper house of Assembly

October the 12th 1724.

Gent.

This House Concurr^s with your House in your Message this Day by M^r Ralph Crabb and three others & do appoint James Bowles and Benjamin Tasker Esq^{rs} to be joyn'd with them in a Com^{mi}tee upon the Subject Matter contained therein.

Sign'd p order Sam^l Skippon Cl Up. Ho:

The House adjourns till to morrow morning nine of the Clock

Tuesday Octo^r the 13th 1724

The House meets according to Adjournment

Yesterdays proceedings are read

p. 134 Several printed Copys of the Address and the Resolves of the Lower house in October Assembly 1722 being produced to this house are well approved of in the manner as they are now printed.

The Members of this house who are Com^{mi}ssioners for inspecting the publick Records report that M^r Edward Griffith one of the persons appointed to transcribe the publick Records is dead and that they have appointed Joshua George, Gent to proceed on the transcribing the said Records in the stead of the said Griffith and desire to know whether this House approves thereof

This House does approve thereof.

And thereupon the following Message is prepar'd Viz.

By the Lower house of Assembly

October the 13th 1724.

May it please yo^r Hon^{rs}

The Members of this house who are Com^{mi}ssioners for inspecting the publick Records reported that M^r Edward Griffith one of the persons appointed for transcribing the publick Records is dead and that they have admitted Joshua George Gent to proceed on the Transcribing the said Records in the stead of the said Griffith of whom this House approves and desires your Hon^{rs} Concurrence with us therein.

Sign'd p Order M. Jenifer Cl Lo. Ho.

Which was sent to the Upper House by M^r [Tyler and] M^r L. H. J. Elliot. They return & say they delivered it

On reading the Petition of John Cheney & his wife, leave is given to bring in a Bill for cutting off the Intail on three hundred Acres of Land part of Waterford.

The Petition of Alexander Forbes read and rejected p. 135

Proof being made that the Copy of the Petition from the Inhabitants of Baltemore County with a Copy of the Order of this house has been Served on Coll. Maxwell leave is given to bring in a Bill as prayed.

The Petition of Richard Brewer praying leave to bring in a Bill for Confirming his mothers will was read and referr'd till next Sessions and ordered that all persons concerned have notice thereof that if they think fit they may then appear here and make their Objections thereto if any they have

Philemon Lloyd Esq^r from the Upper house delivers M^r Speaker the Petition of Philip Reyly praying for An Allowance from the publick thus Endorst Viz.

By the Upper House of Assembly

October the 13th 1724

Read and referrd to the Consideration of the Lower house of Assembly.

Sign'd p Order. Sam^l Skippon Cl Up. Ho.

Coll Tilghman from the Upper House delivers M^r Speaker the following Message Viz.

By the Upper house of Assembly Octob^r 13th 1724
Gent.

This House agrees with you in your Approbation of M^r George to transcribe the publick Records in the room of M^r Edward Griffith deceas'd, as express'd in your Message this Day by M^r Tyler and M^r Elliot.

Sign'd p Order Sam^l Skippon Cl. Up. Ho.

The Petitions of John Cornelius and of Frances Dorsey languishing Prisoners were read and it appear^s that their Creditors have had due notice Leave is given to bring in a Bill for their relief.

The Petition of Edw^d Norwood was Read and leave given to bring in a Bill for his discharge with a provisoe that the Petitioner be not discharged untill he has fully accounted with No page number

L. H. J. M^r Thomas Worthington on Oath and proved the Outstanding Debts.

The Petition of Coll. Ephraim Augustine Herman was read and leave given to bring in a Bill as pray'd

The House adjourns till to morrow morning nine of the Clock.

Wednesday Octo^r the 14th 1724

The House meets again according to Adjournment.

Yesterdays proceedings are read.

M^r Attorney Generall lays before this house the form of the Oath for the Judges of the Provinciall Court which is approv'd of and ordered to be entered as follows Viz.

You shall swear that as a Justice of the Provincial Court of Maryland in all Articles in his Lordships Comission to you directed you shall do equal Law and Right to all the Kings Subjects rich and poor according to the Laws Statutes & reasonable Customs of England and the Acts of Assembly & Useage of the Province of Maryland and not delay any person of common right for the Letters of the King the Lord Prop^{ty} or of any other whatsoever nor for any other Cause And in Case any Letters shall come to you contrary to Law, that you do nothing by them, but Cause them to be entred on Record, and Certifye the King the Lord Prop^{ty} or the Governour for the time being of them & proceed to Execute the Law notwithstanding the same Letters that you shall hold your Courts according to the Act of Assembly and the directions in your Comission That you shall do and procure the profit of the Lord Prop^{ty} in all things, where you may lawfully and reasonably do the same, And that you shall not debarr or hinder the prosecution of Justice, nor take any Gift Bribe or fee for delaying or rendring Judgment but shall behave your selfe justly honestly and faithfully to the best of your knowledge and Understanding, so long as you shall continue in the said Office So help you God.

No page
number

The same Oath for the County Justices Mutatis Mutandis

The Petition of the Devises of William Hutchinson Deced was read and leave given to bring in a Bill as prayed on making good the Allegations in the Petition before the Comittee of Laws

On reading the petition of sundry Inhabitants of Dorchester County agst. Striking fish the same is rejected

M^r Tyler from the Committee of Aggrievances returns the L. H. J. following Report Viz.

By the Committee of Aggrievances

It is offered to the Committee as an Aggrievance that several Sheriffs make it their practice to execute persons for Tobacco (on pretence of their Dislike thereto) when in truth the Tobacco is really good, and the end of their executing is only for the sake of enlarging their Claim by Execution and Imprisonment fees, or to exact an extravagant rate in mony for their Debts, as by Certificates produced and other Credible Informations appears to this Committee, and it is further offered that several Sheriffs refuse to discount Tobacco with those people to whom it is due by their orders on them except an Allowance of ten p Cent for discounting the same to be made them all which is referr'd to the House for their further Consideration

Sign'd p Order Nin Mariarte Cl Com.

October the 13th 1724

On the reading whereof and the Petition of sundry Inhabitants of Calvert County desireing that Sheriffs may be Elected by the Majority of the ffreeholders

Ordered that the Committee of Laws prepare a Remon- p. 136
strance to his Honour the Governour thereon

The Petition of John Bagby complaining of the hardships he has Sustained by the Dep^{ty} Com^{missary} of Calvert County his not taking Sufficient Security on the Adm^r of the Estate of John fford decēd and desireing that this house will be pleased to declare whether the Dep^{ty} Com^{missarys} Bond for the due Execution of his Office entred into to the Com^{missary} Generall be a private or a publick bond

Resolved that that Bond and all other Deputy Com^{missarys} Bonds heretofore taken are of publick Nature and answerable to any person that shall suffer by the Mal Administration of the Deputy Com^{missary} in his office

The Petition of Mary Hampton, widow praying that An Action of hers depending in the Provinciall Court and to be tryed before the Judges of Assize may be further continued for that Otherwise it will be discontinued before the next Assizes was read and Resolved that she be reliev'd in the Amendments proposed to the Assize Bill unless Cause Shewn to the Contrary to morrow

Coll Ward from the Upper House delivers M^r Speaker, The Petition of Zach^a Maccubbins Sherr of Ann Arrundell County praying An Allowance for attending the Provinciall Courts, &

L. H. J. The Petition of John Stinchcomb praying leave to bring in a Bill for the Sale of Halbert Pritchards Lands to Satisfie himself for a Debt due to the said Stinchcomb &

The Petition of John Clements praying relief against the Sher of Dorchester County &

The Petition of W^m Anderson praying leave to bring in a Bill for Confirming a parcell of Land to him in fee Simple late the Land of James Smith all which a foregoing petitions were severally thus Endorst Viz.

By the Upper House of Assembly

October the 14th 1724.

p. 137 Read and referr'd to the Consideration of the lower house of Assembly.

Sign'd p order Sam^l Skippon Cl. Up. Ho:

The House adjourns till to Morrow morning nine of the Clock.

Thursday October the 15th 1724.

The House meets according to Adjournment

Yesterdays proceedings are read.

On the Representation of the Com^{it}tee of Acco^{ts} that the Sheriff of Calvert County charges the publick for summoning forty Jurors to each Assize

It is the opinion of this House that such ffee hath not been heretofore charged nor is due to him or any other Sheriff.

On reading again the Petition of the Inhabitants of Baltemore County and Coll. Maxwell appearing before this house and making no objections thereto leave is given to bring in a Bill for the laying Out Twenty Acres of Land into a Town so as to include all the publick Buildings reserving to the said Maxwell his buildings in the said Town to be laid out.

It appearing to this House that the Stadt House is very much out of repair

Resolved that M^r Hopkins M^r Harrison and M^r Oldham join with such of the Members as shall be appointed by the Upper house in a Com^{it}tee to view the said House and make their report thereon and thereupon the following Message is prepar'd Viz.

By the Lower house of Assembly

October the 15th 1724

May it please your Honours

It appearing to this House that the Stadt house is in a

very decaying Condition and we being willing that the same L. H. J. should be repair'd Desire that yo^r Honours will be pleas'd to appoint some of the members of your Hon'ble house to Joyn Capt. Nathaniel Hopkins Cap^t Joseph Harrison & M^r John Oldham whom we have appointed of our house in a p. 138 Co^mmittee to View the same and to make their report thereon that the necessary Repairs may be made.

Sign'd p Order M. Jenifer Cl Lo. Ho.

Which was sent to the Upper house by M^r Hopkins & M^r Dashiell They return & say they delivered it.

A Bill to prohibit the Exportation of Indian Corn out of this province &c was read the first and second times by especial Order & past which was so endorst and sent to the Upper house by M^r Crabb and M^r Warfield. They return & say they delivered it.

A Bill for the removing Calvert County Court house was read and the Question being put whether the Bill shall pass or not? &

It was carried in the Negative.

The Petition of Mathew Ashley was read and [leave] given to bring in a Bill for his Discharge.

The Petition of Philip Reily was read and referr'd to the Co^mmittee of Accounts to allow the petitioner what shall appear to be justly due to him from the publick

The Petition of Cap^t Thomas Dent was read and Thomas Bordley Esq^r is admitted of Council with the petitioner and on hearing the Allegations of all parties concerned,

The Question was put whether a Bill shall be brought in or not &

It passed in the Negative

James Bowles Esq^r from the Upper house Delivers M^r Speaker the following petitions, Viz:

The Petitions of Thomas Oldham William Norton and John Spring languishing prisoners in Cecill County Severally thus Endorst Viz:

By the Upper house of Assembly

October the 15th 1724

Read and referr'd to the Consideration of the Lower House p. 139 of Assembly.

Sign'd p Order Sam^l Skippon Cl. Up Ho:

On reading the petition of Mary Hampton leave is given to

L. H. J. bring in a Bill as pray'd The Objections thereto being adjudged insufficient

M^r Attorney Generall acquaints this House that he has laid the oath of a Judge of the provinciall Court before the Upper house according to the directions of this House

The House adjourns till to Morrow morning nine of the Clock.

Friday October the 16th 1724.

The House meets according to Adjournment

Yesterdays proceedings are read.

The Petition of Ann Brahan was read and on hearing the objections of Coll Maxwell thereto Leave is given to bring in a Bill for her relief.

Resolved that a Supplementary Bill be brought in to the Circuit Bill

The Question was put whether the Associates shall have a Voice in Criminall Causes or not &

Carried in the Affirmative.

On the motion of the Committee of Accounts the following Message is prepar'd Viz.

By the Lower house of Assembly

October the 16th 1724.

May it please yo^r Honours

We are informed by our Committee of Accounts that the publick is charged with Commissions for each Assize to the same Judges which this year we are willing to allow; But for as much as we presume the Charge may be Saved to the publick by granting Commissions to be in force so long as the same Judges are continued, we desire your Honours will be pleased to recomend the same to his Hon^r the Governour that the Charge for the future may be lessened.

Sign'd p Order M: Jenifer Cl Lo: Ho:

Which was sent to the Upper House by M^r Tyler & Cap^t Hooper. They return & say they delivered it

The Question was put whether there shall be an Abatement in the publick Dues & officers fees or not? And it was carried in the Affirmative nemine contradicente.

Resolved also nemine Contradicente that they be reduced to one half.

Benjamin Tasker Esq^r from the Upper House delivers M^r L. H. J. Speaker

The Bill to prohibit the Exportation of Indian Corn thus Endorst Viz.

By the Upper house of Assembly

October the 16th 1724

This Bill being read will pass with the following Amendments Lade or take on board his Ship or other Vessell any Indian Corn with design to export the same & a Clause be added giving power to search any Suspected Vessells.

Sign'd p Order Sam^l Skippon Cl Up Ho.

With which amendments this House agrees and thereupon the Bill is Committed for Amendments.

The Bill af^d is amended accordingly & past for Engrossing

Resolved that a Message be prepar'd to his Honour the Governour and the Upper house with an Ordinance to Suppress the irregularities of some of the Clergy.

The Petition of John Medcalf was read and leave given to bring in a Bill for his relief with a provisoe that he Ship annually after this year four hogsheads of Tobacco to be applied to the use of his Creditors.

The Petitions of Thomas Oldham and of W^m Norton were severally read and leave given to bring in a Bill for their relief with the other poor Debtors. p. 141

The Petition of John Spering was Read and Ordered that his Creditors have notice thereof that if they think fit they may appear and make their Objections thereto the next Sessions to which time the same is referr'd.

The Petition of Thomas Shores, John Oliver & John Hurst were read and leave given to bring in a Bill for their Relief with other Debtors.

M^r Crabb from the Comitte appointed to view the new Gate house &c returns the following Report Viz.

The Comitte appointed to View the work of the Gate house Report as followeth Viz:

The Under pinning to be finished

The turning the Arch of the Chimney above Stairs to be made a Brick thicker.

The plaistering above Stairs to have the Cracks and Breaches filled up and to give it a white washing.

L. H. J. To make the Chimney at the Gable End tight and workmanlike

To Shift all the bad plank in the weather boarding

Resolved that M^r Harrison be allow'd One hundred pounds Current money and that the Committee of Accounts allow the same and that the remaining Ten pounds be lodged in the Treasurers hands for the use of the said Harrison to be paid when the work is finished according to the Judgment of Benja. Tasker and John Beale Esq^r and the money then to be paid by their order.

Coll Young from the Upper House delivers M^r Speaker the following Message Viz:

By the Upper house of Assembly

October the 16th 1724

Gentlemen.

p. 142 The Governour at the Close of the last Sessions of Assembly, haveing represented to you how Ungratefull a thing it must needs be to our Lord Proprietary after having given up his own private Interest, Upon Sundry publick occasions, for the service and Benefit of this Province to find his Lower House of Assembly Endeavouring to Load the Revenue with the Unusuall Charge of maintaining his Councill of State, whose Deliberate Advice upon all Emergencies is well known to be Absolutely necessary to the publick Weall of this Province, Wee hope therefore that a reproach so tenderly handed to you may have so good an Effect upon the members of your House, as to Convince you of the unreasonableness of denying the usuall allowances to the Councill which we take to be a necessary and very usefull part of the Administration Notwithstanding that you refus'd to make such Allowances the Last Session of Assembly when his Lo^{pp}s unbounded Generosity and good Will to this pvince Together with the publick Conveniency of a Councill of State as well for the Ease as the security of the good people might not possibly have been so duly Considered as the nature of the thing seem'd to require, for which reasons we then postpon'd our further Claims to this p^rsent Sessions, in hopes you will now agree to those Allowances which we take to be the Just Right of the Councill for Attending upon all such publick Occasions as the Publick weall of this Province should make their Advice Necessary in to the Governour thereof all which seems to have been Specially Considered by the whole Legislature when they resolv'd that One hundred and fifty pounds of Tobacco p^r Diem should be paid to Every Member of the Councill for

their Attendance in Lieu of Thirty pounds Sterling p annum L. H. J
out of the Import Duty on Liquors as Appears in the Journall
of the House Anno 1697. Whereupon We again recomend
to your Consideracōn the making those Allowances

Sign'd p ord^r Sam^l Skippon Cl Up Ho.

The Petition of John Clements was Read and Resolved
that he be relieved by a Bill to be brought in his favour as
heretofore

The Petition of William Anderson was Read and Referr'd
to the Committee of Laws for their Examination and Report
thereon.

Benjamin Tasker Esq^r from the Upper House delivers M^r
Speaker the following Message Viz.

By the Upper House of Assembly

October the 16th 1724

Gentlemen.

In answer to your Message Yesterday by M^r Hopkins and
M^r Dashiell this House does appoint Benjamin Tasker Esq^r
to Join with Cap^t Nathaniel Hopkins Capt. Joseph Harrison p. 143
and M^r John Oldham to View the Stadt House and to make
report thereon that the necessary Repairs may be made.

Sign'd p order Sam^l Skippon Cl Up Ho.

John Hall Esq^r from the Upper House Delivers M^r Speaker
The following Message Viz.

By the Upper House of Assembly

Octob^r the 16th 1724

Gentlemen.

Upon Consideracon of Your Message of October the 10th
by Col^o Mackall and five others we are of Opinion that what
ever defects may have hapned in the forms of the Oaths to
be administred to the Judges of the Provincially and County
Courts by the frequent and Careless Transcribing of the
Clerks they Ought to be Corrected, And whenever laid before
our House we shall readily Concurr therein.

Sign'd p Ord^r Sam^l Skippon Cl Up Ho.

Daniel Dulany Esq^r from the Committee of Laws Reports
that the Allegacōns in the Petition of M^r Hutchinson's
Devises are made good Thereupon Leave is Given to bring
in a Bill as pray'd.

L. H. J. Col^o Addison from the Upper House Delivers M^r Speaker the Petition of Margaret Jordan, John Jordan, Martha Whitfield, and Elizabeth Jordan praying Leave to bring in a bill for Cutting off the Intaile on five hundred Acres of Land part of Billingsleys Point thus Endorst Viz:

By the Upper House of Assembly

October the 16th 1724

Read and referr'd to the consideracōn of the Lower House of Assembly

Sign'd p order Sam^l Skippon Cl. Up: House.

The House Adjourns till to morrow Morning nine of the Clock

Saturday October the 17th 1724.

The House Meets According to Adjournment

Yesterdays proceedings are read.

A Question was put whether the petition of Margaret Jordan John Jordan Martha Whitfield and Elizabeth Jordan should be referrd till the next Session or not?

It passed in the Negative.

Thereupon leave is given to bring in a Bill as pray'd on making good the Allegacōns before the Committee of Laws.

Coll: Mackall from the Conference App^{ted} to provide a suitable relief Ag^t the scarcity of Tob^o returns the foll. report Viz:

At a Conference held at the City of Annap^s at the house of M^r ffrancis Bowes on friday October the ninth Anno Dmi 1724

Present

The Honble	{	Col ^o Tho: Addison	}	Members of the Upper house
		Col ^o M. T. Ward		
		John Rousby Esq ^r		

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The Honble	{	Col ^o Jn ^o Mackall	}	Members of the Lower House
		Thomas Bordley Esq ^r		
		James Stoddart Esq ^r		
		Capt. Robert King		
		M ^r Tho ^s Bozman		
		Cap ^t Henry Hooper		

Who made Choice of Col^o Thomas Addison To be Chairman And Richard Claget Clerk.

The Conferrees proceed to Consider of the Subject Matter L. H. J. of their Conference and reduce [it] to these three following particulars Viz.

1st How all publick Debtors and Creditors may be made Easy in paying and receiving the Publick dues with regard had to the great Extremity the poor of this Province are in danger of being reduced to by the great Scarcity of Tobacco & other Country Produce.

2^{dly} How far the Inhabitants shall be relieved in the payment of Officers fees.

3^{dly} How farr in respect to private inland Country debts, As to the first particular it is the Opinion of the Conferrees that if any pson take the Oath hereafter mencōned before any one Provinciall or County Justice and pduce a Certificate of having taken such Oath before the 25th day of December next to Two Comissioners to be appointed by the Act propos'd that such oath and Certificate shall intitle them to a supersedeas of Execution for so much Tobacco as those Certificates shall make appear they want to pay to their Levies, And for the pventing disappointments to the people in produceing such Certificates the Com^{rs} be obliged to give attendance at their Respective dwelling houses on the 5th 6th & 7th Days of January next to receive such Certificates as have not been produced to them before that time And that the Com^{rs} Af^d shall before the Twelfth day of January next and that every Sherriff shall by the same day of January next attend the said Com^{rs} at the Severall County Court houses where the said Com^{rs} and Sherriffs shall be obliged to Attend or at some convenient time between the Seventh day of January next and the said 12th day of Jan^{ry} next by them to be Agreed upon when the Sherriff is obliged to Lay his List of Taxables Together with his Charge of Levies ag^t Every Debtor this Year before the said Commissioners.

Upon which the Comm^{rs} shall proceed to make a Computation in this Maner Viz: ffirst how much the Totall amount of the Levies (Viz) publick County Parish and forty p poll amounts to in their respective Counties this year Then to Compute what Defalcations are to be made for the relief of those that obtain Certificates and to deduct the sum of the defalcacōns from the sum Totall of the Levies and to Compute as near as they can without makeing fractions of a pound of Tobacco how much p Cent such Defalcation amounts to, and the said Commiss^{rs} shall in three days time from the said Twelfth day of January Certifie to the Sheriff under their hands and Seals a List of what he shall be

L. H. J. oblig'd to Credit every Debtor for till next year And also that it shall be Lawfull to make the like defalcation or deduction 7 Cent from the Credits of Every publick Creditor and shall be Oblidged to allow the same proportion out of his Own Allowances whether the Same be for Sallaries or otherwise

The form of which Oath is as followeth Viz:

p. 145 I A B Do declare that since I knew or heard that the Act of Assembly [was made] Intituled An Act I have not had nor now have any Tobacco belonging to me to pay my Levies or any part thereof nor any publick or County Allowances or Debts due to me from the Sherriff of this County to Discount nor any Debt or debts due to me from any other person or persons that I can now get to pay the same (in Case the pson has no Tobacco) but if he has Tob^o and not enough then to add Save only about the sum of _____ pounds of Tobacco which I will take the best Care I can to pserve and pay in part of my said Levies when thereunto required.

As to the second and third pticulars That all other Tobacco debts whether the same be for ffees or otherwise more than the Levies due upon Judgm^t or Execution where the Debtor produces at any time before payment to the Sherriff, a Certificate of his haveing taken the following Oath before such Justice as af^d The Sherriff shall not for that year take the Body nor the goods or Chattles, of such person in Execution for any more than what he has declared upon His said Oath he is Capable of paying and the remainder of all such debts unp^d shall remain in the same Circumstances untill next year as to the Matter of Law as they are in at the time of the Debtors takeing such Oath, and in all such cases where the debtor has Tobacco Sufficient only to pay part of such Debts as aforesaid and that they are indebted to sundry psons in maner af^d that it be at the Election of the Debtor to Apply what payment he makes towards the paying such of his said Creditors as he thinks meet

The form of the Oath is propos'd to be as follows Viz.

I A: B: Do declare that since I knew or heard the Act of Assembly was made Intituled An Act I have not had nor now have any Tobacco belonging to me nor any Publick or County Allowance or Debts due to me from the Sherriff of this County to discount nor any Debt or Debts due to me from any other person or persons that I can now get to pay towards such debts as I am indebted by Judgm^t or [upon] Execution more than the sume of _____ Except such Tobacco as I already have or must Apply this year towards the payment of my Levies the which Sume of To-

bacco Af^d I will preserve and be ready to pay towards the L. H. J. Satisfaction of such debts as Af^d or some of them

And it is likewise the opinion of the Conferrees that it will render the above provisions in respect to the second particular propos'd much more Effectually if such goods as are at any time taken in Execution for Officers fees be made lyable to the same Maner of Appraisement as is directed in the Act of Assembly for Appraising Goods taken in Execution by writts of fieri facias &c^a

All which is humbly reported and Submitted to the Upper and Lower houses of Assembly as proper heads for a Law to be made for the present relief of the Country.

Signd p Order Rich: Claget Clk Conferrees.

Which was read and Approved of And thereupon the following Message is prepar'd Viz. p. 146

By the Lower House of Assembly

October the 17th 1724

May it please Your Honours

We have read the Report of the Conferrees appointed to Propose methods to relieve the Inhabitants of this Province from the hardships they may sustain by means of the great Scarcity of Tobacco this year and Concurr therewith with the severall addicōns following Viz:

That Two Commission^{rs} be appointed in Each County by the Bill to be brought in to receive Certificates &c

That a provision be made in the Bill for such persons as shall have their Tobacco taken away by Distress or Execution after notice of the Law and before the makeing their Oath.

That the form of the Certificate be incerted in the Bill and that Relief be provided for such as do not make Tobacco nor have any to pay away by giving them Liberty of paying their Levies and other publick dues in money at the rate of Two pence per pound Currency with which if Your Honours concurr the bill may be prepared Accordingly

Sign'd p order. M. Jenifer Cl Lo Ho.

Which was sent to the Upper House by Cap^t King and Cap^t Hooper.

They Return and say they deliverd it

Daniell Dulany Esq^r from the Committee of Laws returns

L. H. J. the following report on the petⁿ of Aquila Paca and Martha his Wife, Viz.

By the Committee of Laws Oct^r 17th 1724

The Allegacōns mentioned in the within Petition are fully Proved to this Committee to be True.

Sign^d p ord^r Vachel Denton Cl Comēe.

Thereupon leave is given to bring in a Bill as pray'd.

A Bill for the Relief of such persons as have Suffered by the misconstruction of the Tobacco Laws was read the first and second Times by Especiall order and past which was so endorst and sent to the Upper House by M^r Edward Wright and M^r. Bozman

They return and say they deliver'd it

A Bill for the relief of William Hutchinson was read the first and second times by Especiall Order and past which was so Endorst and sent to the Upper House by Col^o Ward and Maj^r Malden

They return and say they Deliver'd it.

On Reading the pet^o of Zachariah Maccubbin Gent high Sherriff of Ann Arrundell County

The Question was put whether the Sherriff of Ann Arundell County shall have any Allowance or not

Carried in the Negative

Thereupon the Petition is rejected.

p. 147 The Petition of the Inhabitants of Calvert County and the return of the Sherriff of Calvert County with the return of the Votes taken by Virtue of a former Ordinance of Assembly was Read but it being objected that the Votes were unduly obtained

Resolved that a new Ordinance be made out pursuant to the former.

A Supplementary Bill to the Act for tryall of all matters of fact in the Countys where they Arise was read the first time & ordered to Lye on the Table

The House Adjourns till Monday Morning nine of the Clocke.

Monday Oct^r the 19th 1724

The House meets according to Adjournment

Saturdays proceedings are Read.

A Bill to cut off the Intail on a Tract of Land called Billingsleys Point was read the first and second times by Especiall

Order and past which was so endorst And sent to the Upper L. H. J. house by M^r Oldham and M^r Bozman.

They Return and say they deliver'd it.

M^r Peter Taylor according to the Order of last Sessions Appears in the House and on his Excuse is Discharged.

Philemon Lloyd Esq^r from the Upper House delivers M^r Speaker the foll. Message Viz.

By the Upper House of Assembly

Oct^r the 19th 1724

Gent.

This house Concurrs with the report of the Conferrees Appointed to propose proper methods to relieve the Inhabitants of this Province from the hardships they may Sustain by the great scarcity of Tobacco and other Countrey Commodities this year and with the additions propos'd in yo^r Message by Cap^t King and Cap^t Hooper with a further provision to be made against such as shall be found Transporting themselves out of the province

Signed p order Sam^l Skippon Cl Up: ho:

Thereupon the Committee of Laws is ordered to prepare a bill accordingly

The following message is prepared viz.

By the Lower house of Assembly

October the 19th 1724

May it please yo^r Hono^{rs}

We have Compared yo^r Hono^{rs} message of the 16th Instant by Coll Young with what his Hono^r the Governo^r was pleased to say at the Close of the last Sessions & from his hono^{rs} so tenderly handing to us his remarks on our Debates, we are perswaded that he did not intend such his tenderness should be Construed as a Reproach to us and we should have thought your Honours had proceeded much more agreeable to our Governour's Tenderness in that part had you been pleased to have spared the Term as well as the Charge ag^t us of Ingratitude to his L^{pp}, a Crime which we shall ever Endeavour to preserve our selves Innocent of, and hope our Debateing a matter of Right in a Parliamentary way can never be Lyable to such an Imputation.

We beg Leave to observe yo^r Hono^{rs} Seem to reassume the Debates that were last Sessions concerning your Allowances as Councillors but do not find that you offer any new Remark or Argument to induce us to Recede from

L. H. J. what we then Resolved, and we cannot find on Enquiry that any Single member has Chang'd his opinion Since that time We Shewed your Hono^{rs} then our Reasons against the same Remarks you are now pleas'd to make, But do not find we any ways called in Question the usefullness of a Council and are therefore Sorry yo^r Hono^{rs} give yourselves the
p. 148 trouble to mention it now, But as it was & yet is Evident to this house that there is another ample provision made for defraying the Councillors' Charge of Attendance, We hope yo^r Hono^{rs} will give us no further trouble about the one hundred and fifty pounds of Tobacco p Day

Sign'd p order M. Jenifer Cl: Lo: ho:

Which was sent to the Upper house by Col^o Ward & M^r Crabb They return and say they delivered it

Coll. Ward from the upper house Delivers M^r Speaker the Bill for the relief of such persons as have Suffered by the misconstruction of the Tobacco Laws thus Endorst Viz.

By the Upper house of Assembly

October the 19th 1724

This Bill being read will pass the third Paragraph therein being wholly omitted and the following amendments incerted in the fourth paragraph (that is to say) since the last day of June last past

Sign'd p order Sam^l Skippon Cl Up: Ho:

James Bowles Esq^r from the Upper house Delivers M^r Speaker the Bill to Cutt off the Intail on a Tract of Land called Billingsley's point thus Endorst, Viz:

By the upper house of Assembly

October the 19th 1724.

Read and will pass with a Clause added Setting forth the purport of the Release mencōned in the Peticōn.

Sign'd p order Sam^l Skippon Cl Up Ho.

John Rousby Esq^r from the Upper house, Delivers M^r Speaker the Peticōn of Patrick Creagh praying for a further allowance for the work done to the prison, thus Endorst Viz:

By the Upper house of Assembly

October the 19th 1724.

Read and referr'd to the consideracōn of the Lower house of Assembly

Sign'd p order Sam^l Skippon Cl Up: Ho.

The House adjourns till to morrow morning nine of the L. H. J. Clock

Tuesday October the 20th 1724

The House meets according to Adjournment, & Yesterdays proceedings are Read.

The Bill for the relief of such persons as have Suffered by the misconstruction of The Tobacco Laws was read wth the amendm^{ts} and past for Engrosing.

Col^o Young from the Upper house Delivers M^r Speaker the Petition of the Inhabitants about the head of Choptanck River praying Leave to bring in a Bill for the building a Church there thus Endorst Viz.

By the Upper house of Assembly October 19th 1724

Read and Referr'd to the consideracōn of the Lower house of Assembly

Sign'd p ord^r Sam^l Skippon Cl Up. Ho.

Which was referr'd till next Sessions and ord^d that the Incumbent of the parish have notice thereof.

Col^o Addison from the Upper house Delivers M^r Speaker the Bill for the Relief of William Hutchinson's Devises thus Endorst Viz.

By the Upper house of Assembly October the 20th 1724

Read and will pass.

Sign'd p order Sam^l Skippon Cl Up: Ho:

Which was Read again and past for Engrosing.

Col^o Tilghman from the Upper house, Delivers M^r Speaker p. 149 the Bill for relief of Col^o Ephraim Aug^t Herman thus Endorst Viz:

By the Upper house of Assembly October the 20th 1724

Read and will pass.

Sign'd p ord^r Sam^l Skippon Cl. Up. Ho.

Thereupon the same past for Engrosing.

The Supplementary Bill being the Circuit Act was read with the amendments & past w^{ch} was so Endorst and Sent to the Upper house by M^r Crabb and M^r Hooper. They return and say they delivered it.

L. H. J. The following Message is prepared Viz:

By the Lower house of Assembly

October the 20th 1724.

May it please yo^r Honours

This house taking into consideracōn the heavy burthen the Inhabitants of this province labour under by the great Charge of the publick Dues and officers fees, are desirous that an Abatement of one half may be made therein and recomend the same to your Hon^{rs} consideration.

Sign'd p order M Jenifer Cl. Lo: Ho:

Which was Sent to the Upper house by M^r Tyler & M^r Bozman

They return and say they delivered it

M^r Tyler from the Committee of Courts of Justice returns the following Report Viz:

By the Committee of Courts of Justice, Octob^r 19th 1724

Your Committee observes that in the Commissions to the Justices of the Provinciall Court, made out in the year 1692 (being the first year that the Crown took the Governm^t of this province upon them, Lionel Copley Esq^r being Governo^r) Recorded in Lib^r D: S: page 49-50 the said therein Justices are required to hear and Determine all the matters in the Commission before recited; Doing therein what to Justice appertaineth according to the Laws and Customs of our kingdom of England and of our said province

Also in the Commission Granted to the Justices of the same Court the second day of May 1694 recorded in Lib. T: L: N^o 1 page the first the Justices are Required to hear & Determine, perform & fullfill all & singular (the Same) Doing therein what to Justice appertaineth according to the Laws and Customs of our Kingdom of England and of our said Province. Sign'd E: Andros.

Also the like words in the like Commission dated the 16th October 1694. Sign'd Francis Nicholson recorded in Lib. T. K. N^o 1 folio 120.

Also the like words in the like Commission dated the 3^d day of April 1699 Sign'd N: Blackiston recorded in Lib^o W. T. N^o 3 page the first.

Also the like words in the like Commission dated the 15th day of May 1704 Sign'd Jo: Seymour recorded in Lib^o T. L: N^o 3 page 258.

In the year 1707 Lib^o P: H: 233 patents issued to each L. H. J. Judge Empowering them to hold pleas before her then Ma^{tye} & all other pleas theretofore by virtue of her Ma^{tye}s Commission to her Justices of her Provinciaall Court by them held. Sign'd Jo: Seymour

Which Patents we find much vary from the form^r Commissions and appointed the Judges as if they were King's Bench Judges, Whereas the Courts on those same Patents always proceeded in the Common plea Form in all Civil Cases and according to the same method and Rules of Judicature as they used to do, by virtue of the form^r Comission. p. 150

We find that in some years after the forms were again Changed and the Judges appointed by Commission as usually and in Lib^o P. H: N^o 4 fo: 91 a Commission at large is Entred dated in 1718 which besides severall Mistranslations or other mistakes hath some Variation from the words resolved to be necessary in such Commissions relateing to the Laws of England Viz. by the s^d Comission the Judges are Empowered and required to keep or Cause to be kept all & Singular the reasonable good Laws, Statutes & ordinances of that part of the Kingdom of Great Brittain called England and all Laws Statutes & Ordinances of this province

Also we find in a Commission of the tenth day of Aprill Anno Dmi 1722 to the Provinciaall Court that such like words are used which words we are of opinion are not so agreeable to the Constitution as the words in the Resolve.

We also find that in the Commission to the Judges of assize and Goal Delivery there is some Variation from those words Viz.

That the Judges are by those Commissions to Determine according to the Laws and Customs of that part of Great Brittain lately called England and of this our province,

Whereas we humbly offer the words in the said Resolves [as] more agreeable to the constitution, for that the word (Statute) is omitted and also that by the words (of that part of the kingdom of Great Brittain lately called England) It seems as if it were only intended to relate to such Laws and Statutes as were made before the Union; and if the words were more generally, according to the Laws and Statutes of Great Brittain, It might seem only to relate to such Statutes as were made since the Union, and might also relate to some Laws of North Brittain

Wherefore your Committee humbly offers the words in the said Resolves as most fit to be observed in all such Commissions

L. H. J. We also observe there is no Commission for the associates to the Judges of assize Empowering them to Act

Your Committee humbly offers that there are yet other Commissions to be inspected into, and that the forms of the Commissions have not been so Exactly Compared with the forms used in England as may be done, when the business of the house may require less of their attendance; But as this will be the Constant Charge of your Committee, their further progress therein may with your Hono^r Leave be referr'd to further opportunity, as well the premisses to yo^r Hono^r further consideration.

Sign'd p ord^r Ninian Mariarte Cl Com

Which being read this House Concurrs therewith & M^r Attorney Generall is desired to acquaint his Honour the Governo^r of the Subject matter thereof to the End that his Hono^r the Governo^r may direct therein in Respect to the form of Commissions to the Judges as to his Hono^r shall seem Reasonable and Agreeable to the Constitution

A Bill in favour of Rachell Freeborn Widow was read the
p. 151 first and second times by especiall order and past which was so Endorst and sent to the Upper house by M^r Sol^o Wright & M^r Chairs.

They return and Say they Delivered it.

M^r King from the Committee of Laws returns the following Report on William Anderson's Petition Viz.

By the Committee of Laws October the 20th 1724

The Allegations mencōned in the within Petition are fully proved to this Committee to be true.

Sign'd p order Vachell Denton Cl Com.

Thereupon Leave is Given to bring in a Bill as pray'd

A Bill to cut off the Intail on a Tract of Land called Bilingsley's point amended according to the Endorsment from the upper house was Read and past for Engrosing.

The Petition of Patrick Creagh was read and rejected.

The following message is prepared Viz:

By the Lower house of Assembly.

October the 20th 1724

May it please yo^r Honours

As we hope your Honours Intended us some further Answer to our message of the tenth Instant by Coll^o Mackall and five others than that you were pleased to make us on the Sixteenth Instant by John Hall Esq^r And that we are in-

form'd by M^r Attorney Generall that he has some days since L. H. J.
laid before your Hono^{rs} the form of an oath agreeable to the
Constitution, We hope yo^r Hono^{rs} will Excuse our remind-
ing you thereof and our desireing to know how far you are
pleased to approve of that form. For as the Liberties and
properties of the people can never be preserved by Laws
unless those Laws be made the Rules of Judicature and that
the forms of the Judges oaths be essentiall to the due Adminis-
tracōn of Justice according to those Rules, We hope your
Honours will readily Joyn your Endeavours with us in so
Essentiall a Step towards the perpetuating this Great Security
of your own as well as the rights of every other Subject

Sign'd p order M. Jenifer Cl Lo: Ho:

Which was sent to the upper house by M^r Tyler and three
others. They return and say they delivered it.

The Peticōn of Edward Jones a poor prisoner in Talbot
County was read and Leave Given to Bring in a Bill for his
relief with other poor Debtors.

An Engrost Bill for the relief of such persons as have been
convict on the Tobacco Laws was read and assented to and
was so endorst and Sent to the upper house by M^r Crab & M^r
Oldham

They Return and say they Delivered it.

The House Adjourns till to morrow morning 9 of the
Clock

Wednesday Octob^r the 21st 1724

The House meets according to Adjournment. Yesterdays
proceedings are Read.

Cap^t Mariarte a Member return'd to Serve for Ann Arun-
dell County in the room of M^r Joseph Hill decēd appears in the
house.

Ordered that M^r Beale and M^r Warfield go to the other
house to see him Qualified

They return and Say they see him Qualified Thereupon
he took his place.

James Bowles Esq^r from the upper house Delivers M^r p 152
Speaker the Bill in favour of Rachell Freeborn Widow thus
Endorst Viz.

By the Upper house of Assembly October 21st 1724
Read and will pass.

Sign'd p order. Sam^l Skippon Cl. Up. Ho.

L. H. J. Thereupon the Bill af^d past for Engrosing.

Resolved that a Bill be brought in giving time till the last day of May for tendering Tobacco.

And that a Bill be brought in to prevent the Vexatious Entries of Caveats in the Land office.

Coll^o Mackall from the Committee of Elections & priviledges Returns the following report Viz:

By the Committee of Elections and priviledges

October the 21st 1724

On Inspection into the writt and Indentures returned for Cap^t Daniell Mariarte we find him duely Elected.

Signed p order M Jenifer Cl especially app^{ted}

An Engrost Bill to cut off the Intail of a Certain tract of Land called Billingsley point and to Enable John Jordan to make Sale of the Same, and

An Engrost Bill in favour of Col^o Ephraim Aug^t Herman were severally read and assented to and were so Endorst and Sent to the Upper house by M^r Smith and M^r Sutton. They return & say they delivered them

Col^o Ward from the Upper house delivers M^r Speaker the following Message viz.

By the Upper house of Assembly, October the 21st 1724.
Gent.

On Reading your Message of the 20th Instant by M^r Tyler and M^r Bozman we observe you therein propose an abatement of the one half of the publick Dues and officers ffees within this Province a proposal so unreasonable and unbecomeing that Justice and Honour which ought to be the Rule of a Legislative power, That we can by no means concurr with you therein; for altho' we may dispose of our own Rights as we please, yet we cannot without the greatest injustice, deprive those who have a Right to publick claims, or officers ffees of any part of that which by particular Contracts or the standing Laws or Customs of this province becomes their due, But to Let you see that our house is as inclinable to relieve the necessities of the people in this Time of Scarcity of Tobacco, as you can be, We are Willing not only to abate the one half, but even the whole of our allowance for attending at this Sessions of Assembly, Provided you will in like manner, ease the pub-

lick Charge from your allowances in which we desire yo^r Con- L. H. J.
currence.

Sign'd p order Samⁿ Skippon Cl: Up. Ho:

John Rousby Esq^r from the Upper house Delivers M^r
Speaker the Peticōn of Patrick Creagh praying leave to bring
in a Bill for the improveing a parcell of Land lying between
the Lotts of Governo^r Nicholson and Benjamin Tasker Esq^r
thus Endorst Viz:

By the Upper house of Assembly October 21st 1724.

Read and referr'd to the consideracōn of the Lower house
of Assembly and

Sign'd p order Samⁿ Skippon Cl: Up: ho:

Which was Read and referr'd to the consideracōn of the
next Assembly

The House Adjourns till to morrow morning nine of the
Clock.

Thursday October 22^d 1724

The House meets according to Adjournm^t

Yesterday's proceedings are Read.

The Peticōn of Susannah Mitchell was Read and Leave
given to bring in a Bill for her relief with a Clause Subjecting
her Right in the intail'd Lands she now holds to the use of
her Creditors.

The Report of the Committee appointed to view the Stadt p. 153
House was read and approved of and ordered to be Entred
as follows Viz:

The Report of the Committee appointed by the Hon^{ble} the
Upper and Lower houses of Assembly to View the Stadt
House and consider what necessary repair it wants.

22^d October 1724.

Report that the plaistering in the passage, in the Chancery,
Council Assembly, Navall and Mayors Court offices, all on
the Upper floor is very much broke Also the Chancery and
Council offices want Shelves Also there wants a Door at the
head of the Ladder going to the Turret ffloor

Also, report that in the passage and all the Offices of the
first floor the plaistering is much broke.

Also Report that the two Jury Rooms want new Doors.

Also Report that the Windows on the first floor which are
now four foot wide and four foot ten Inches high, be reduced

L. H. J. to three foot wide and continue the present height, and that they be shasht with glass the paines to be eight and ten inches, the sells of the Windows to be of Locust or of black wallnut; also that there be Shutters on the outside and Iron hooks to set them open to be fixt in the sells of the windows with hooks and Staples to fasten them in the inside and springs for the sliding Shashes

Also propose that there be new stairs to the first half pare, and all the plaistering on the Stair Case mended, and that the Closetts underneath the Stairs be closed up.

Also propose that the Windows of the Court house, be six foot and an half in height and three foot in breadth and Shasht; with Shutters as on the first floor above Stairs

Also that there be new folding Doors to the back porch and a new Sell and Top piece to the Door frame of Locust or Cedar and that there be three new planks laid in the porch floor; Also that the front Doors and frame be all new; Also that the floor of the Court House and floor of the front porch be laid with New Castle Stone, The present floor being very much decayed; and almost worn through; also that the plaistering within the Court house and porch be mended; and that the outside of the whole house, be repaired with Bricks where any are wanting and then to be all over rough Cast.

Sign'd p order John Gibson Cl Com.

With which this House concurs Except that the Court house Windows are propos'd to be but six foot high instead of the Six foot & an half mencōned in the Report

Thereupon the following message is prepared viz.

By the Lower House of Assembly, Oct^r 22^d 1724

May it please your Honours

We have Read the Report of the Committee appointed to view the Stadt House and concurr therewith in all its parts Except that instead of the Windows in the Court House being six foot & an half in height, We are of opinion that six foot will be Sufficient and desire yo^r Honours Concurrence therein that proper workmen may be treated with to make the necessary Repairs.

Sign'd p order M Jenifer Cl Lo Ho.

Which was Sent to the Upper house by Cap^t Harrison, & Cap^t Hopkins. They return and say they delivered it.

p. 154 M^r Kennard on his motion has the Leave of the house to go home his family being very ill.

The following message is prepared Viz.

L. H. J.

By the Lower House of Assembly

October the 22^d 1724

May it please yo^r Honours

Our Proposal of the 20th Instant by M^r Tyler & M^r Bozman was Subjected to your consideracon as a part of the Legislature for your Concurrence as the foundation of a Law only, which we believe might have been found and drawn under Such Proviso's and Restrictions as would not have rendred the Legislative Body of this province Lyable to the Imputation of being either unjust or unreasonable and we are sorry to find your Hono^{rs} give so Great a Check to the ffreedom of proposals as to Suppose any that are made by this House have been made with such Views where they admit of a more Parliamentary Construction. We nevertheless acknowledge yo^r Hono^{rs} Just abhorrence of Sufferring any thing that seems unreasonable or unjust to pass your House, tho' we cannot take the proposal objected [to] to be any Instance of it. And we declare the like abhorrence, and hope both houses of Assembly in this concurr unanimously. But as your Honours propose only the abateing the allowances for attending this Sessions, It would be too unconsiderable a Relief to be worth the notice of this Legislature, and be Cheifly a Relief to such p^{rs}ons whose Circumstances enable them much better to pay than we to Abate the Charge of our attendance.

Sign'd p order M. Jenifer Cl Lo: Ho:

Which was sent to the Upper House by M^r Gant & Capt. Harrison

They return and say they Delivered it.

An Engrost Bill for the relief of William Hutchinson's Devises was read and assented to and was Sent to the Upper house by M^r Tyler & M^r Crabb.

They return and say they delivered it.

Col^o Holland and Col^o Young from the Upper House delivers M^r Speaker the following message Viz.

By the Upper House of Assembly October the 22^d 1724
Gent.

In the Close of your message of the 10th Instant by Col^o Mackall and five others you recommended to us such Draught of an oath for the Judge of the Provinciaall Court as should be laid before us by M^r Attorney Generall, as more agreeable to our Constitution, than the oath now in use by reason of some defects found in them, which as you conceived pro-

L. H. J. ceeded from the frequent and careless Transcribing of them by young and careless Clerks

We were willing to Joyn with your House in restoreing the Ancient Usages of this Province by removeing all such defects [as] should appear to have crept into the form of the oath to the prejudice of our Constitucōn and therefore propos'd in our message of the 16th Instant the amendment of all such Defects, and intended to have Govern'd ourselves by such ancient forms when sent down to us, as well as by the Draught of the oath laid before us by M^r Att^r Gen^l

But forasmuch as we conceive by your message of yesterday that no such defects as you referr'd to in that message are design'd to be Laid before us, We fell upon the consideracōn of that Draught of the oath brought in by M^r Attorney Generall and find Essentiall Deviations from the ancient Forms of the oaths (as appeared to us by the usuall forms Exhibited by the Clerks of the office) whereby the Judges of our Courts, if such oath shou'd be imposed upon them would be intirely Arbitrary in their Determination of what Laws and Statutes of England are most agreeable to our constitution, and what not, whether they Import conveniency or ruin to the Good people of this province.

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However to manifest our ready condescension in what ever may be found usefull towards the perpetuating the security as well as the rights of his Majesty's Subjects within this province we are willing to concurr with you in the alteracōns propounded so farr as they relate to the Letters of the Lord Propriāry or any other person in obstruction to Justice, which we acknowledge ought to be indifferently administred without regard to such Letters, For we are intirely of opinion with you that the Liberty and property of the people can never be preserved unless the Laws are made the Rule of Judicature, But then we think it absolutely necessary that all such Laws should be in some manner or other apprehended and made known to the Judges lest differrent Judgments in things of like nature should be given at different times through the Variety of opinions in what Statutes do, and what do not Extend to this Province, and the Judges themselves be reduced to the last Extremity of declareing upon oath in matters which appear altogether Doubtfull and uncertain to them

We therefore conceive that your House will have some reason to be Satisfied with the alteration propos'd as above for the present untill the Lord Propriāry shall have advised his Governo^r and Council of state whether such further alterations as are contain'd in M^r Attorney Generall's Draught relateing to the Oath of a Judge be found to be consistent with

his L^{pps} Charter and agreeable to the constitution and publick L. H. J. Weal of this province; wherefore if you approve thereof, we shall willingly Joyn with you in directing the alteration above propos'd to be made in the form of the Oath to be hereafter taken by all the Judges of the Courts of Judicature.

Sign'd p order Sam^l Skippon Cl. Up Ho.

A Supplementary Bill to the Act for relief of poor Debtors and ascertaining the manner of Tenders of Tobacco was read and

The Question being put whether all false packt Tobacco shall be burnt or not,

It was Carried in the Negative

Thereupon the Bill was Committed for amendment

A Bill to regulate the practice of Entring Caveats in the Land office was read the first Time and the Question put whether the Bill shall have a second reading or not. Carried in the Negative, and thereupon the Bill is rejected.

Resolved that the Committee of acc^{ts} make allowances till Saturday next.

John Hill Esq^r from the upper House Delivers M^r Speaker the Supplementary Bill to the Circuit Law thus Endorst Viz:

By the Upper House of Assembly October 22^d 1724.

[Gentlemen]

On Reading this Bill we observe first That to allow Bills of Exceptions in Criminall Causes will give great Encouragem^t to ill people who through want of Experience in the Clerks and other officers attending the Judges in their Circuits may too often escape punishment (tho' they Justly p 156 deserved it) by the Assistance of Council. Secondly the allowing the County Justices, who shall be associated to the Judges voices in Criminal Causes, will be an Innovation made upon the Brittish Constitution, to which we desire to conform as farr as is consistent with our own. Thirdly, the Restraint upon the Judges in Petty felonies seems to be of ill consequence for they may well try such and so many as in their discretion there may be Time for and as the aggravation of the Crime may deserve; and referr the Rest to the County Courts, which will be a Great Check to Villainy. Fourthly, to allow of Removalls to the Provinciall Court will bring frequent Tryalls of matters of fact thither w^{ch} is contrary to the design of the former Act; for which Reasons this Bill will not pass as it now stands.

Sign'd p order Samuell Skippon Cl Up: Ho.

L. H. J. Coll^o Addison from the Upper house delivers M^r Speaker the following message Viz.

By the Upper House of Assembly Oct^r 22^d 1724
Gent.

This House concurs with you in your Message this day by Cap^t Harrison and M^r Hopkins relating to the repairs of the Stadt house, so that proper workmen may be treated with accordingly

Sign'd p order Sam^l Skippon Cl Up. Ho.

Philemon Lloyd Esq^r from the Upper house delivers M^r Speaker The Representation of Some of the Clergy now in Town Thus Endorst Viz.

By the Upper House of Assembly.

October the 22^d 1724

Read and referr'd to the consideracōn of the Lower House of Assembly

Sign'd p order Sam^l Skippon Cl. Up. Ho.

A Bill to relieve the Inhabitants of this province in paying their Levies officers ffees and other Countrey Debts this year was read the first time and ordered to lie on the Table.

The House Adjourns till to morrow morning nine of the Clock

Fryday October the 23^d 1724

The House meets according to Adjournment
Yesterdays proceedings are Read.

The Supplementary Bill to the Act for relief of poor Debtors and Ascertainning the Manner of Tenders of Tobacco brought in from the Committee of Laws Amended was read, and past.

And Sent to the Upper House by M^r Warfield and Cap^t Hooper. They return and Say they delivered it.

Coll^o Tilghman from the Upper House Delivers M^r Speaker the following message Viz.

By the Upper House of Assembly Oct^r the 23rd 1724
Gentlemen.

It is strange to us that it should be evident that an Ample provision is made for defraying the Charge of the Councilors Allowances by the Revenue rais'd for a Support of Gov-

ernment when you by yo^r Message of the 25th of October last L. H. J.
by M^r Tyler and five others have acknowledgd that it is in his
L^{ds} Option whether he will appropriate any part of the
Revenue for that purpose or not; Certainly Gentlemen if you
were not possest with over much Zeale for your Countrey p. 157
you would agree to make the usuall allowances of one hundred
and fifty pounds of Tobacco p Day for the Councillors' At-
tendance, untill that affair be fairly adjusted with his Lord-
ship. But if you will not, we shall postpone any further
Debate thereon to another opportunity always reserving to
our selves a Liberty of claiming the aforesaid allowance of
one hundred and fifty pounds of Tobacco p Day for our
attendance as Council of State, as a Just and undubitable
Right.

Sign'd p order Sam^l Skippon Cl Up Ho.

A Bill to confirm Lands to William Anderson

A Bill in favour of John Cheney & Mary his wife, And

A Bill for the Naturalization of Jn^o Sweenyard of Balte-
more County planter,

Were Severally read the first and second Times by es-
peciall order and past which were Severally so Endorst and
sent to the Upper House, by M^r Beale and Capt. Hooper.

They return and say they delivered them.

Coll^o Ward from the Upper House delivers M^r Speaker
the Supplementary Bill to the Act for Ascertaining the man-
ner of Tenders in Tobacco thus Endorst Viz:

By the Upper House of Assembly October 23^d 1724.

Read and will pass.

Sign'd p Ord^r Sam^l Skippon Cl Up. Ho.

Thereupon the same past for Engrosing.

James Bowles Esq^r from the Upper House Delivers M^r
Speaker the following Bills viz:

The Bill to confirm Lands to William Anderson

The Bill in favour of Jn^o Cheney and Mary his wife

And the Bill for the Naturalization of John Sweenyard of
Baltimore County planter all which Bills were Sev^rally thus
Endorst Viz.

By the Upper house of Assembly October 23^d 1724.

Read and will pass.

Sign'd p order. Sam^l Skippon Cl. Up. Ho.

L. H. J. Whereupon they past for Engrosing.

John Rousby Esq^r from the Upper house delivers M^r Speaker the following message Viz.

By the Upper House of Assembly Octob^r 23^d 1724.

Gent.

We have Recommended to his Honour the Governour your message of the 16th Instant relateing to the Charge of the Commissions to Assize, And he has been pleased to assure us that he will Cause those Commissions to be regulated for the future according to yo^r request in the said message.

Sign'd p order Sam^l Skippon Cl Up Ho.

M^r Tyler from the Committee of Aggrievances Returns the following Report Viz.

By the Committee of aggrievances, Oct^r the 22^d 1724.

On the many Complaints referr'd this Sessions to the Examinaçõn of your Committee concerning the abuses offer'd by Sherriffs in their office We humbly offer our Sense of them in generall, That they seem to arise from an uneasiness betwixt the Sheriffs and the people, often occasion'd by private dislikes of the person of the Sheriff and often from the Sheriffs discharge of his duty according to Law, tho' perhaps without shewing them such Indulgence as he reasonably might without infringing it.

p. 158 The particular Complaints that have been referr'd to us have appear'd to be no otherways grounded. But we find the Act made in 1723 Entituled An Act reviving and continuing an Act intituled An Act for Limitation of officers ffees and for supplying some defects therein encourages Severall of the Sheriffs to Charge ffees for Executing Levies and public Dues which was in our humble opinion neither Legall nor in Practice before that Act was made, and forasmuch as it Seems to this Committee that the small advantage of such Execution ffee may prevail on some minds, that may be mean enough to Suffer it, to Execute persons without any other Cause than that of Encreasing their gain by the Fee, and that the only end of giving the Sheriff power of Executing for Levies was the better to Enable him to Collect and secure the publick dues and to render his office more easy to him in this part without intending to put it into his own power to increase his Fees by such his power to Execute, the allowing such Fees is therefore humbly offerr'd as an Aggrievance, And also that Some Sheriffs insist upon a discount of ten p Cent for paying what they owe and refuse to discount debts due from themselves

to the order of their Creditors, on pretence the Act for L. H. J. Direction of Sheriffs only relates to the person of the Creditors and not to his order, or on some such like frovolous Pretences.

Your Committee further humbly offers (according to the parol Instructions they have recēd from yo^r Hon^{rs}) that on a full consideracōn of the Circumstances of this office, the many Complaints that are Yearly offerr'd to the Assembly to the Great delay of other publick busieness and the generall murmurs of the people concerning them can Scarcely be prevented or remedied by any certain written Rules of Direction in that part; for as the Sheriffs in this province by having the generall Collection of all publick dues and officers fees as well as by other Duties & powers Rightly annext to their office, have a much Greater influence upon the people than Sheriffs or any other officers in England, known to your Committee and that their office consists of so many severall kinds of Duties as are Scarcely Reducible to Certain Rules The most likely way to make the Sheriff and people easy with each other would [be to] make them in Some Sort dependent on each other so that it might be the Interest of the Sheriff to recommend himself to the people by an Equall Just and tender Execution of his office and that the people might be endear'd to the Sher by having him one of their own Choice who would Surely be so acceptable to them as that they would not complain ag^t him without Cause and if they had Cause they might have Liberty at the end of a reasonable time to make a better Choice and be themselves answerable as Sureties for his good Demeanor in his office By this Viz: By a free Election of Sherriffs according to the common Law of England, Yo^r Committee conceives all troublesome Clamour would be avoided and all Impositions on the Governo^r or Prime minister for the time being, prevented by having persons recommended to him as fitt for those offices, that may be unworthy or perhaps unqualified by Law as (your Committee is informed) was the Case of the present Sheriff of Cecil County who had not been p. 159 three years in the province before he had obtained that Commission, nor as some alledge was either then or yet a ffreeholder and the Governour be thereby eased of the Trouble of importunate Solicitations, and of the pain of being Sometimes obliged to deny the request of whom he respects, when perhaps more than one may Solicite at one and the same time for the same office, that one can only be obliged in, and as the Grañt of that office is of no advantage but a trouble to the person Granting it, We hope it may be thought the rather Conducive to the common Satisfaction of Prerogative and people, and by

L. H. J. this means, also the many neglects of taking no Sureties or of taking such as are not Sufficient to Answer the publick Debts, and all the ill consequences thereof will in the opinion of your Committee be Effectually remedied, The Electors of such Sheriffs being answerable for him as the Electors of Coroners are at this day in England.

Sign'd p order Ninian Mariarte Cl Com.

Which was read and approv'd of
The House Adjourns till to morrow Morning nine of the
Clock

Saturday Octob^r the 24th 1724

The House meets according to Adjournment.

Yesterday's proceedings are read.

M^r Walter Smith on his motion has the Leave of the House to go home he being very ill.

An Engrost Bill in favour of Rachell Freeborn Wid^o

An Engrost Bill for the naturalization of John Sweenyard of Baltemore County planter,

An Engrost Bill to confirm Lands to William Anderson

And an Engrost Supplementary Bill to the Act for relief of poor Debtors and ascertaining the manner of Tenders in Tobacco,

Were Severally read and Assented to and were so Endorst and Sent to the Upper house by Cap^t Hooper & M^r Bozman

They return and say they delivered them

A Bill relieving the Inhabitants of this province from Some difficulties they may be under in paying their Levies, publick dues and officers ffees this year was read with the amendments & past which was so Endorst and sent to the Upper house by M^r Tyler & M^r Warfield.

They return and say they delivered it.

Resolved that a Bill be brought in repealing part of the Act for Laying an Imposition on Negros and Liquors &c:

M^r Benjamin Mackall on his motion has the leave of the house to go home one of his Children being like to die.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the following message viz.

By the Upper House of Assembly Octob^r 24th 1724.

We find that the Act of Assembly for the Limitation of officers ffees Expires the 25th day of December next and there-

fore propose that a Reviving Bill be prepared to revive it for L. H. J.
a Longer Time

Sign'd p order Sam^l Skippon Cl Up Ho:

Thereupon Resolved that a reviving & Supplementary Bill
be prepared to the said Act.

On reading the Endorsm^t on the Supplementary Bill to the
Act for Tryall of all matters of fact in the Countys where
they arise the following message is prepared Viz:

By the Lower House of Assembly Octob^r the 24th 1724 p. 160
May it please yo^r Honours

In Answer to your objections to the Supplementary Bill to
the Act for trying matters of ffact in the Counties &c^a We
desire your Honours to consider first, that Bills of Exceptions
are only the Reducing matters given in Evidence to writing
while they are fresh in the memory of the Judges; which (we
conceive) cannot possibly be attended with any Inconve-
nience; but on the Contrary the Judges will have an oppor-
tunity of deliberately considering what the Law is upon such a
fact, and by that means prevent the mischieff, that may
happen either by the Jury's mistaking the weight & Effect of
the Evidence, their taking upon them the Determination of
Matters of Law (which they are not Judges of) and mis-
taking the Law, and the precipitancy of the Judges them-
selves; any of which may be the ruin of an Innocent man and
his family, or the means of a guilty persons escaping Just
punishm^t Besides as it is the duty of the Judges to see that
nothing but truth be inserted, so it is the Duty of the Attorney
Generall or other Councill concern'd for his L^{pp} to see that
the Bills of Exception are regularly drawn. Secondly That
the allowing the associates Voices in Criminall Cases, is so
far from being an Innovation in the Brittish Constitution
(w^{ch} ought to be o^r pattern) that it is exactly agreeable to it
as appears by the fforms of the Commissions & writts of
Association. Thirdly, That the motives inducing this house
to desire the Justices of Oyer and Terminer should not Try
matters of ffact within the Cognizance of the County Courts
are first to p^rvent the s^d Justices being hindred to proceed in
matters that must be Determined before them, and secondly
to lessen the Expence of poor people that may be either un-
justly accused or be Ignorant Transgressors, which we hope
may be provided for by a Clause in the Bill that nothing
Tryable by the County Court should be Tryable else where
Except in Cases of necessity or Doubt and that in all such

L. H. J. Cases the fees of all kinds before the Judges of assize shall be no more than those allowed in the County Courts.

And fourthly that Tryalls at the Barr where the nature of the Case and the furtherance of Justice require them are the undoubted Right of the Lord Prop^r and of the people by the Laws of England and Consequently that the preventing such a Tryall in any Case would be inconsistent with the Constitution; and we cannot apprehend the least danger of the provinciall Courts allowing any such Tryalls, but where they are Necessary and that the removalls propos'd to the Prov^l Court, are not intended to bring frequent Tryalls of matters of fact thither but only to lay those matters already Given in Evidence before that Court in such a manner as to give the Judges an opportunity of Determining the Law arising upon such fact in Difficult Cases; which will as well in a Measure prevent peoples being prejudiced by the mistakes or Ignorance of Juries & weakness of their own Council, as give an opportunity of Debateing & adjudging the matter so fully as to save the Expençe of many Chancery Suits in civill Controversies. Wherefore we desire your Honours Concurrence and that the Bill may pass.

Sign'd p order M. Jenifer Cl. Lo. Ho.

Which was sent to the upper house with the Bill af^d by M^r Beale & Cap^t Hooper

The House Adjourns till Monday morning nine of the Clock.

Monday, October the 26th 1724

The House meets according to Adjournment

Saturday's proceedings are Read

p. 161 On a motion on the Supplementary Bill to the Act for officers fees, The Question was put whether flax shall be rated at nine pence or nine pounds of Tobacco in paying their debts.

Carried by a Majority of voices that it be nine pounds of Tobacco

A Bill repealing part of the Act laying an Imposition on negros and Sundry Sorts of Liquors and Irish Servants &c^a was read the first and second Times by especiall order and past which was so Endorst and sent to the Upper house by M^r Dashiel and M^r Taylor.

They return and say they have delivered it.

On information made to this House that some Abstracts laid before the right Hon^{ble} the Lord Prop^r by William

Vanhaesdonk Riddlesden who now calls himself William L. H. J. Cornwallis, concerning some Lands within this province are in the hands of M^r Secretary Lloyd, w^{ch} Abstracts are Suppos'd to be forged by the said Riddlesden,

This House desires the perusal of the said Abstracts and thereupon the following message is prepared Viz.

By the Lower House of Assembly Oct^r 26th 1724

May it please your Honours

This House is informed that some Abstracts laid before the Right Hon^{ble} the Lord Prop^r by William Vanhaesdonk Riddlesden who now calls himself William Cornwallis concerning some Lands within this province are now in the hands of M^r Secretary Lloyd which Abstracts are Supposed to be forged by the s^d Riddlesden. This House desires the perusal of the said Abstracts and that yo^r Honours will be pleased to recommend the same to his Honour the Secretary.

Sign'd p order M Jenifer Cl Lo Ho.

A Bill for Relief of Sundry poor prisoners was the first & second Times read by especiall order and past which was so Endorst and sent wth the above message by M^r Crabb & Cap^t Hooper. They return & say they delivered them.

Philemon Lloyd Esq^r from the Upper House delivers M^r Speaker the Bill repealing part of the Act laying an Imposition on negros and Liquors &c^a

Thus Endorst Viz.

By the Upper House of Assembly Oct^r the 26th 1724

Read and will pass.

Sign'd p order Sam^l Skippon Cl Up Ho.

Thereupon the Bill past for Engrosing.

The following message is prepared Viz.

By the Lower House of Assembly Oct^r the 26th 1724.

May it please your Honours

We are willing that the same members of this House as Were of the Committee appointed to view the Stadt house should be Joyn'd with such of the members as shall be appointed by Your Hono^r of your House to treat with proper workmen about the necessary Repairs of the Stadt House according to the Report of that Committee with which we desire your Honours Concurrence.

Sign'd p ord^r M. Jenifer Cl Lo: Ho.

L. H. J. Which was Sent to the Upper House by M^r Oldham & Cap^t Hopkins. They return and say they delivered it.

Col^o Addison from the Upper house Delivers M^r Speaker the Bill for relief of Sundry poor prisoners thus Endorst Viz.

By the Upper House of Assembly Octob^r the 26th 1724

Read and will pass with this Clause to be added, That such persons as shall Leave the province, shall be liable notwithstanding anything in this Act to be sued for their debts, as if this Act had never been made

Signed p order Sam^l Skippon Cl: Up: Ho.

And also Delivers the following message Viz.

p. 162 By the Upper House of Assembly Oct^r 26th 1724

Gent.

Upon Reading your message of this day we have requested M^r Secretary Lloyd to lay before you M^r Cornwallis's Abstracts of Land rights which Abstract Together with his Petition to the Lord Prop^r is herewith sent you according to the desire of yo^r house so that if any forgery be found therein it may be detected

Sign'd p order Sam^l Skippon Cl. Up: Ho:

A Bill for Securing the Right and Inheritance of Sundry the Inhabitants within this province ag^t Certain Impositions by pretence of suspected Deeds, was read the first and Second Times by especiall order and which was so Endorst and sent to the upper house by M^r Beale & M^r Edw^d Wright. They return & Say they delivered it

The House Adjourns till to morrow morning nine of the Clock

Tuesday Oct^r the 27th 1724

The House meets according to Adjournment

Yesterdays proceedings are Read.

A Bill for the Relief of James Phillips his Devisees was read the first and second Times by especiall order and past, which was so Endorst, And an Engrost Bill repealing part of an Act laying an Imposition on negros and Liquors &c^a was read & assented to & was so Endorst

Both which Bills were Sent to the Upper House by M^r Tolley & M^r Hamilton. They return and say they delivered them

Coll^o Tilghman from the Upper House Delivers M^r L. H. J. Speaker the following message Viz.

By the Upper House of Assembly Oct^r 26th 1724
Gent.

This House does appoint Benjamin Tasker Esq^r who was formerly appointed to the Committee to view the Stadt House to Joyn with those members appointed to your House to treat with proper workmen about the necessary repairs of the Stadt House

Sign'd p order Sam^{ll} Skipon Cl: Up: Ho:

The following message is prepared Viz.

By the Lower House of Assembly Oct^r the 27th 1724.
May it please your Honours

Having considered the Representation of the Clergy sent us from your Honours and that it hath appear'd to us that some Clergymen within this Province have misbehaved themselves in a manner so inconsistent with their Character & Prejudiciall to Religion, that instead of being Guides to the people & preventing their being misled by popish priests and other Enemies of the Church of England, Their misbehaviour and ill Example have been the most prevailing motives with severall weake people to forsake the Communion of the best Church in the world and with others look upon all Religion as an Imposture and a Cheat; and for that the Irregularities Complained of are presum'd to be owing in a great measure to the want of some Judicature to correct the offenders who (as appears by the Representation now before us) Claim an Exemption from any Jurisdiction in the hands of Laymen, And that we see no probability of any Jurisdiction being Established which some to avoid Just punishment will not have the same objection to, We think it our indispensable duty untill the Establishm^t of an unexceptionable Judicature to make use of all the means in our power to put some Check to practices so destructive of our Religion, And we do not make the least Doubt of your Honours assistance & Concurrence in so necessary a work, nor but that such of our Clergy as conscientiously Discharge their Duty (which we hope are the Greater Number) will Contribute their Endeavours to Curb p. 163
the misbehaviour of men of their own order whose Actions tend to overthrow what by the most Sacred obligacōns they ought to Support.

Sign'd p order M Jenifer Cl: Lo: Ho:

L. H. J. Which was Sent to the Upper House by M^r Tyler and Cap^t King: They return and Say they delivered it

An Engrost Bill Securing the Rights and Inheritances of Sundry Inhabitants within this province was read & assented to and was so Endorst and sent to the upper House by M^r Sherwood & M^r Sutton. They return and Say they delivered it.

The Report of the Committee of aggrievances of the 22^d Instant was read and thus Endorst Viz.

By the Lower House of Assembly Oct^r 27th 1724.

May it please yo^r Honours

Our Committee of aggrievances having made the within Report (with which this House Concurrs) have thought fitt to Communicate the same to your Honours for your consideration.

Sign'd p order M. Jenifer Cl. Lo. Ho:

Which was Sent to the Upper house by Col^o Mackall and M^r Crabb

They return and say they delivered it

The House Adjourns till to morrow morning nine of the Clock

Wednesday Oct^r the 28th 1724

The House meets according to Adjournment

Yesterday's proceedings are Read

The following message prepared viz.

By the Low^r House of Assembly Octob^r the 28th 1724.

May it please your Honours

Your message of the 22^d Instant seems to object ag^t the form of the Oath of Judge because it essentially deviates as you are pleased to observe from the ancient form of the oaths used, but as such Deviations might have been occasion'd by the mistakes of Copying Clerks; We should have hoped that observation would not have deserved yo^r notice, If there were no Deviations in them from the Essentials of the Constitution; And we hope your Honours will not find any Deviation of that kind. Whatever seems in your message to import it, We presume arises from your Hono^r's misexpressing your Sentiments of the Constitution or your misapprehension of the oath, and not from any Impropriety in it

Your Honours are pleased to observe that by the Oath propos'd the Judges would be intirely Arbitrary in their Determination of what Laws and Statutes of England are most agreeable to our Constitution; We cannot conceive the Judges would be under Less Restraint by that oath which mentions the Laws of England, than they were by the former oath which was more Generall for that requires them in all Articles of their Commission to do equall Right to the poor as well as to the Rich to the best of their Cunning skill and knowledge and according to the presidents & Customs of the Province and it is one of the Articles in their Commission to Determine according to the Laws of England &c and the presidents and Customs of this Province have been always to try and Determine according to those Laws and therefore we think your Honours cannot well conclude the Judges by this oath could or wou'd be Arbitrary unless they always have been so; which we are well assured the Hon^{ble} Judges in your House as well as those in ours never took themselves to be, in the point Debated; nor we believe any others of the Judges that have the Honour to Execute his L^{pps} Commission. L. H. J.

Besides we beg Leave to observe the form of the oath laid before you by M^r Attorney is to oblige the Judges to Execute their Commission according to the Laws Statutes and reasonable Customs of England and Acts of Assembly and usage of the province of Maryland; So that we doubt not but the Honourable Judges would readily Construe those words, to Oblige them to Judge no otherways according to the Laws of England than is consistent with the Acts of Assembly & usage of this province for that all those words are to be taken together, and Relate to one Rule of Duty and not to Severall Rules of Duty, and we hope your Hon^{rs} will not Suppose the Import of the words in the oath proposed to be more uncertain now, or of other consequence than the Import of the like words in the Commission which the Judges were Sworn to Execute, was formerly; unless we are so unhappy as to render the oath less intelligible, by Endeavouring to Explain it and make it more particular. And we cannot conceive what danger of Ruin to the people your Honours can be apprehensive of from Judging by any of the Laws of England according to the usage of this province, or which is the same thing in the manner we have been ever Judged by according to those Laws. We have never yet heard of any Inconveniencie ariseing from Doubts of what Statutes extended here or what not, nor did we ever hear of different Judgments given in this province concerning the Extent of any Statute of England, unless in the one Case concerning the Act of Limitation p. 164

L. H. J. of King James the first when one of your Honours was one of the four Judges that filled the Provincially Bench; and we cannot think that Instance deserves yo^r Hon^{rs} notice; Since that opinion was Grounded on no president, but was manifestly contrary to the whole Course of Judicature in this province, and well known to be against the Charter & inconsistent with our Constituton And we cannot conceive the Judges have been ever Reduced to any Extremity in giving their Judgments what Laws do or do not Extend here or that It has been ever Doubtfull; and as it never has been so, we think they have less reason to doubt now than ever, since the same Course of Judicature has been Still so much the Longer in use and that usage clearly declar'd in the Resolves of this House Communicated to your Honours.

We think your Hono^{rs} by this message Leave our ill wishers some room to doubt that you object ag^t the Judges being sworn to Try & Determine according to any the Laws of England unless declar'd by our Acts of Assembly to Extend here, and we doubt not but they would be Glad to make use of any handle for such a Construction of your Hon^{rs} Sense of things; For as it is well known that these difficulties in Judicature and Governm^t are what the Enemies of our protestant Constitution (the better to Subvert it) most warmly Contend for, and what we have Sometime Since, as your Hon^{rs} can't but have observed, declar'd our Sentiments of, they will no doubt readily lay hold of the Occasion, And quote your Honours words as Countenancing their pretensions, and even Quote your Selves against your selves, and us For so we must account whatever is against [our] p^{re}sent Establishm^t of English Laws and Liberties.

We therefore Hope yo^r Honours will take away all umbrage of this Sort from those that seek such Innovations, and Join with us in declaring your Sentiments and Just Resentments against them

We are Sorry for your Hon^{rs} Sakes that you in the latter part of your message decline a further Concurrence with us in the Subject matter there treated of, untill his L^{pp} shall have advised his Governour and Council of State whether such further alteracōns as are contained in M^r Attorney Generall's Draught of the Oath of a Judge be found Consistent with his L^{pps} Charter and agreeable to the Constitution and publick Weal. We understand your Honours as a Council of State to be by office oblig'd to advise his L^{pp} and his Governour what was agreeable to the Constitution and publick Weal of this province, and as part of the Legislature we thought you not only advisers but in part Directors too of what was

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proper for the common Good; For we esteem it impracticable L. H. J.
for his L^{pp} (a Stranger to the place at so Great a Distance
from us) to be rightly advised of these things, but by your
means and the Representations of us his faithfull Tenants;
and since by a late Instruction from his L^{pp} it was easy to
observe his L^{pp} had taken advice from some that were
unacquainted, perhaps for want of yours, It seems strange
that your Honours should propose the waiting for his L^{pps}
Advice, instead of giving your advice to his L^{pp} in what is
agreeable to our Constitution & publick Weal: This seems
so far to invert the order and end of your office that we hope
your Honours will not further insist on it as a Cause for
deferring your concurrence in the point desired. For as we
Esteem it no ways necessary for faithfull Councillors to know
what will please their Prince before they give him their
Advice (unless they seek his favour and consult his pleasure
rather than his reall Interest) so we cannot think but it would
be much to your own Satisfaction and for his L^{pps} Service
to give your Advice the quickest Dispatches to him you possi-
bly can to prevent his L^{aps} being further beholden to
strangers to o^r Constitution for want of your good offices
to him.

We use our Endeavours, we can Sincerely say, to Cultivate
& p^rserve a Good understanding with you for the Common
Good, and we cannot Employ our Endeavours better than by
using those freedoms with you that are necessary for the
Common Good, and altho' you should think those freedoms
unbecomeing us to use with you, who wear a Dignity in this
State that Stiles you our Superiors; yet as we shall never
prostitute plain dealing, to the Servile force of Compliment
when our Countreys Good your Honour and our Duty require
plainness, We shall rather Choose to bear your Censure if we
incurr it, than be wanting in this part, and in pursuit of this
Resolution we give you our thoughts that if your Honours had
been free in Communicating to his L^{pps} your Sense of our
Resolves in the year 1722 when they were Communicated to
you, It might have Given his L^{ap} reason to have withstood the
Importunities of those that forwarded the Instruction that
caused our late Address. And if when your Honours were
acquainted with our Address you had then appriz'd his L^{pp} of
your thoughts upon it, they might probably have saved his
L^{pp} the Labour of much Enquiry and have precaution'd him
against Such further Steps as may be founded on the like
advice to Strangers to our Constitution, the consequences of
which we cannot guess at, but if they prove amiss your
Honours must give your Country leave to lay them at your

L. H. J. Door. For our parts we shall always think we best recommend ourselves to his L^{pp} by plain Truths, tho' they should prove displeasing and shall ever make it our Choice rather to Serve his L^{pp} without pleasing him than to please him without serving him, should those offices ever unhappily be incompatible and in the same manner we now treat your Honours and as further Instance of o^r Steadiness in this Resolution We Declare our Sentiments that our Lord Prop^r your Honours
 p. 166 nor our Country can never be better served in their Seperate Interests, if such there be, than by their uniting heartily for the Common Good, and that a Right understanding what that is, is a most necessary Step for the Attainm^t of it; and that a bold and Generous freedom is, in our Opinion the best way to attain a Right understanding and We leave yo^r Hon^{rs} to draw the consequence And we beg your Honours, if from the Earnestness of our desires that every part of this Legislature should be Vigilant and Active in their Duty, We have used any freedoms with you that may move Dislikes it may Center upon us rather than give the least Interruption to yo^r Zeale for the Wellfare of our Country

Signed p order M. Jenifer Cl: Lo: Ho:

Which was sent to the Upper House by Col^o Mackall and five others. They return and say they delivered it.

A Bill for Erecting a Town at Joppa in Baltemore County. Read the first and second Times by especiall order & past which was so Endorst & Sent to the Upper House by M^r Taylor and M^r Tolley

They return and Say they Delivered it

An Engrost Bill for the relief of sundry poor prisoners was read & assented to and was so Endorst and Sent to the Upper House by M^r Crabb and M^r King.

They return & Say they Delivered it.

Resolved that a Supplementary Bill be brought in to the Act for repairing high ways &c.

The Journall of the Committee of Accounts read & Assented to and was so Endorst and Sent to the Upper House by M^r Beale and M^r Gant.

They return and Say they delivered it

Resolved that a Supplementary Bill be brought in to the Act for Electing of Delegates putting the Quakers under the same Circumstances with other protestant Voters that are obliged to take the oaths to the Governm^t at Elections if required giving them Liberty to make their affirmacōn instead of the Oaths

Coll^o Ward from the Upper House Delivers M^r Speaker the L. H. J. Bill for relieving the Inhabitants of this Province from the hardships they may lie under by reason of the Scarcity of Tobacco this year thus Endorst Viz.

By the Upper House of Assembly Oct^r 28th 1724
Gentlemen.

On Reading and considering this Bill we observe that altho we find it to be drawn as near as may be, Consonant & agreeable to the Report of the Conferrees appointed upon this Occasion, and further Directions of both Houses of Assembly relating thereto, yet upon Second consideration thereof many Inconveniencies do occur to us, which will render the Bill more Injurious than Advantageous to the Good people of this province; the Inconveniencies we apprehend are as follows.

First, we are apprehensive that it will be a great Inducem^t to Perjurie.

Secondly, that it gives some people an opportunity to delay payment this year, tho' they have Tobacco, For many men may make Oath on or before the Twenty fifth day of December, that they have no Tobacco nor any due to them, that they can get, and yet Collect great Sums afterwards, and dispose of them as they please without applying any part to the discharge of their publick or private Debts.

Thirdly, That people being obliged by oaths to apply all their Tobacco to particular Engagem^{ts} will be Injurious to other Creditors especially merch^{ts} and late Sherriffs.

Fourthly, it is no benefit to poor people for if they must apply all their Tobacco to the discharge of their Engagem^{ts} They will not have any to Supply the Greatest necessities so p 167 that the remedy is worse than the Disease.

Fifthly, that Tradesmen and others who never make it their Employment to make Tobacco, may evade paying not only their private Contracts, but publick dues also.

Sixthly, it will be productive of a Multitude of Law suits for Creditors finding themselves aggrieved by Colour of this Law will be more severe with their Debtors for the time to come.

Seventhly, that as in some former Laws so in this many unforeseen difficulties and mischiefes will arise in the Execution of it; for which reasons we cannot agree to pass this Bill as it now Stands.

Sign'd p order Sam^l Skippon Cl Up. Ho.

L. H. J. In Answer whereto the following message is prepared viz:

By the Lower House of Assembly Oct. 28th 1724.

May it please your Honours

We have considered your Honours Remarks on the Bill for relieving the Inhabitants of this province from some difficulties they may lie under in paying their Levies officers fees and other Countrey Tobacco Debts this year and are Sorry to find your Honours on your second thoughts should recede from what was so fully debated on the conference (from whence we doubt not but your Honours were inform'd from time to time of what Resolutions were there made) and from what your Honours fully Concurr'd with

And we desire your Honours to consider the Answers that your objections naturally require We shall give them Articulate thus Viz.

To the first every Case or Circumstance that requires an oath is liable to an objection, that perjury may Enue

To the 2^d An Amendment may be easily propos'd to remedy the Inconveniencie your Honours object, Tho' we think it none; For if any Debtor does at any time get in Tobacco after the oath made such Tobacco is no ways Exempt from the Execution of his Creditor. If therefore your Honours rest only on that objection we shall readily proceed to make an amendment

To the 3^d That people are only obliged to prefer the publick Credit to any other and in all other Cases the Rules of payment proposed cannot be liable to objection being refer'd to the Election of the Debtor which is his Right by the Common Law of England.

To the 4th Liberty is a benefit to the poor, and the Act propos'd is to protect the poor against Imprisonment where providence has disabled them to pay their Debts that they may be Suffered to work for their Creditors and family

To the 5th Tradesmen that have Earned Tobacco from planters cannot pay the Tobacco they owe unless they receive what is their due and when the planter has not made it the Tradesmen he owes it to can't receive it And consequently needs some provision to be made for him; And as the method propos'd by the conferrees and agreed to by your Honours is now objected to we should be Glad your Honours would be pleas'd to propose a better

Sixthly. We cannot conceive that Law Suits will be Encreast by the Act proposed when it will be apparent to the Creditor that he cannot get what he sues for. And we cannot

have so poor a thought of the Tradeing men that they would L. H. J.
sue their Debtors out of Resentment as your Observations
Seems to Import

Seventhly, This objection lies against every new Law as
well as that propos'd and we hope your Honours will not
allow an Inconvenience which you cannot see, to prevent you
from consenting to remedy one that God knows is but too
Apparent.

We pray your Honours Intimation with all that Expedition
that the Circumstances of this Case require how farr your
Hon^{rs} can assent to the reliefs propos'd

Signed p order M. Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by Cap^m Mariarte and p. 168
Captⁿ Hudson. They return and Say they delivered it

A Supplementary Bill to the Act for marking of high ways
was read the first and Second times by Especiall order and
past which was so Endorst and Sent to the Upper House by
M^r Tyler & M^r Edw^d Wright

They return and Say they delivered it

James Bowles Esq^r from the Upper House delivers M^r
Speaker the following Message Viz.

By the Upper House of Assembly Oct^r 28th 1724

Gent.

Upon Consideration of your Message of October the 24th
in Answer to the Indorsement made upon the Bill intituled
a Supplementary Act to the Act for Tryall of matters of
fact in the Counties &c^a We are willing to Condescend so
farr in the first point controverted that Bills of Exception
may be sign'd and allowed of by the Judges of Oyer and
Terminer and Goal Delivery in favour of Life only, lest the
too frequent use of such Bills of Exceptions in other Criminal
Cases (which is Contrary to the practice in England) should
prove an Encouragement to ill people who by that means
might frequently escape the Condign punishment that might
be Justly due to their offences.

Secondly, We see no reason to recede from our former
opinion as to the Voices of the County Justices in Criminall
Cases upon the Circuits for we conceive that the allowance
thereof would be an Innovation made (as we observed to
you before) upon the English Constitution, Which we are
as desireous of Copying after as any the members of your
House in all the branches thereof which are adequate to the

L. H. J. Circumstances of this province For in that which was noted upon the Back of the Bill we had no regard of what was practiced upon Speciall Commissions & Writts of association, whereby some other persons at the King's pleasure were Joyn'd with the Judges in Judicature, but we therein had respect to the usages of England as it was practic'd in Administracōn of Justice on the Circuits; which is the thing now under the consideracōn of both Houses, so that you must give us Leave to say that your House was mistaken If you apprehended that we in what was then propos'd to you had any other thing in view then what strictly related to the Administracōn of Justice upon the Circuits lately Establisht and now about to be regulated in the practice thereof within this province

Thirdly, We are still of opinion that a Generall Restraint upon the Judges of Oyer and Terminer from trying any of the Matters Criminall which are Cognizable in the County Courts, may be of Evill consequence; for as we could never have Imagined that the Judges upon the Circuits altho' they had lain under no Restraint, would ever have suffered themselves, by the hearing of petty offences to have been Interrupted in the trying of matters of Consequence, and such Causes as were necessarily Determinable before them, So we believed that their own discretion would have been a rule to them in such Cases. However we are willing to Joyn with you in restraining their Jurisdiction to such Cases only as shall seem necessary or doubtfull and where the offenders are notorious But we must Likewise Represent to you that we see no reason for Encouraging Roguery of any Sort, by lessening the usuall ffees upon the prosecution which is always lookt upon to be a part of the punishm^t Justly due to offenders. The Judges we are confident will always avoid the hearing of any other Criminall Cases then Such as shall be thought necessary, wherefore we are of opinion that to lessen the ffees given by Act of Assembly in such Cases would be an Indulgence of the Legislature which ill people have no manner of Title [to.]

Fourthly, We Concurr with your House, That Tryals [at
p. 169 the] Barr, where the nature of the Case and the furtherance of Justice Evidently require it, may be allowed of with a Saving to all parties accused the benefit of writts of removall and Tryalls in the Provinciaall Court or before the Justices of Oyer and Terminer and Goal Delivery as the nature of the Case may require with which alterations and amendm^{ts} this Bill will pass

Sign'd p^r ord^r Sam^l Skippon Cl. Up. Ho.

An Engrost Bill for the relief of John Cheney and Mary L. H. J. his wife was read and assented to & was so endorsed and Sent to the upper House by M^r Beale & M^r Warfield.

They return and say they delivered it

The House Adjourns till to morrow Morning nine of the Clock

Thursday October the 29th 1724

The House meets according to Adjournment

Yesterdays proceedings are read.

M^r Ebenezer Blackiston a member return'd to Serve for Kent County in the room of M^r Sam^l Wallis decēd appears in the House

Ordered that Cap^t Dunn and M^r Kennard go to the Upper House with the said Blackiston to see him qualified. They return and say they see him qualified. Thereupon he took his place.

Resolved that it be necessary that such of the Debates & proceedings of the three Sessions of this Assembly as relate to the Government or Judicature of this province or other materiall publick affairs thereof be printed.

Thereupon this House requests Thomas Bordley Esq^r to make a Collection accordingly and procure the same to be printed for the use of the publick and at the publick Charge and that the Charter of this province be also printed therewith, and also that each Member of the Upper and Lower Houses have one Copy thereof, and the rest be dispos'd of to the use of the printer.

Which the said Thomas Bordley Esq^r being present promises his Endeavour to perform. And Resolved that the said Thomas Bordley Esq^r have free access to the Journalls for the Copies thereof.

John Rousby Esq^r from the Upper House Delivers M^r Speaker The Bill for the Relieving the Inhabitants of this province from the hardships they may lie under, by reason of the Scarcity of Tobacco with the following message viz.

By the Upper House of Assembly Oct^r the 29th 1724
Gentlemen.

We have read and considered your Message of Yesterday by Cap^t Mariarte & Cap^t Hudson relating to the Bill relieving the Inhabitants of this province from some difficulties they may lie under in paying their Levies, officers fees and other Country Tobacco Debts this year, and being as earnestly

L. H. J. desirous as your House can be to do something to Answer the End propos'd in that Bill, We therefore are willing to wave our first, fourth, Sixth and Seventh Objections to the passing of it, in our former Message relating thereto believing that the Inconveniencies therein mencōned may be over ballanced by other advantages in the Bill and to avoid the Inconveniencies observed in our other objections we propose the following Additions and Amendments, first that a Clause be added to the Bill Exempting the Sheriffs from any Execution to be Served upon them this year for any arrears of publick dues or officers ffees due from the last year. Secondly, that the Clause in the Bill which makes such persons as have taken the oath requir'd and obtain'd Certificates to Exempt themselves from being Executed for officers ffees or other Inland Debts, liable to be Executed for so much as they declare upon Oath they have, may be wholly Omitted and some little alteration made in the Oath so as to give the Debtors Liberty to pay what Tobacco they have in discharge of any of their Debts, either to merchants or others at their own Election, which we take to be the Sense of both Houses, but seems as the Bill now stands to be otherwise directed which will set merchants & fforeign Traders upon a Levell with the Inhabitants of this province and prevent any Clamours against this Bill upon that Score. Thirdly, that provision be made that all such persons as live in Towns or follow other Employments, and have not nor do not make Tobacco be oblidged to pay money for their publick Dues at a price to be ascertained or in Case they have not money to declare the same upon Oath otherwise not to have any benefit by this Law With the foregoing Amendments and additions the Bill will pass.

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Sign'd p ord^r Sam^l Skippon Cl Up Ho.

Thereupon the Bill is referr'd to the Committee of Laws to be altered according to the second and third Articles of that message

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Bill for Erecting a Town at Joppa in Baltemore County Thus Endorst Viz.

By the Upper House of Assembly Oct^r 29th 1724
Read and will pass.

Sign'd p order Sam^l Skippon Cl. Up Ho.

Thereupon the same past for Engrosing.

John Hall Esq^r from the Upper House Delivers M^r Speaker

the Supplementary Bill to the Act for marking highways thus L. H. J.
endorst Viz.

By the Upper House of Assembly Octob^r 29th 1724
Read and will pass.

Signed p order Sam^l Skippon Cl. Up. Ho.

Col^o Young from the Upper House delivers M^r Speaker the Journall of the Committee of accounts assented to by the Upper House and Endorst accordingly.

M^r Speaker Communicates to this House his Honour the Govern^os Letter relateing to John Cornelius, That he has Impos'd on the Legislature by being inserted in the Bill for relief of Sundry poor prisoners and also that it would be an hardship to discharge prison^o without allowing any fees to the Sherr.

As to John Cornelius Resolved that he be Struck out of the Bill, and as to the Rest the further consideration thereof is referr'd till next Sessions, and M^r Speaker is desired to acquaint his Hon^r the Govern^o thereof.

The following Message is prepared Viz.

By the Lower House of Assembly Oct^r the 29th 1724
May it please your Honours

In Answer to your Message of the 28th Instant by James Bowles Esq^r on the Supplementary Bill to the Act for Tryvall of all matters of fact in the Counties where they have Arisen &c^a We hope your Hon^o will be of opinion that Bills of Exception ought as well to be allowed in Criminal Cases that do not affect Life as in Cases that do when you shall have considered that an honest man's Reputation (always Dearer to him than life it Self) may be in Question and that he may Suffer an Injury in it, as no Time can Efface nor any thing in the power of Man Repair By the over Ruling a Just and Lawfull Challenge and admitting his Enemies upon the Jury By the allowance of Incompetent witnesses By the Jury's (tho' Impartiall) mistaking the Evidence, By the Judges giving a wrong Charge and the Jury's being influenc'd by such a Charge, and even the Judge himself being prejudiced or under a Surprize. All these Circumstances may possibly Concurr in one Man's Case and every man is Lyable to some one of them which (as things may be managed) may be his own and familys Ruin. Now we apprehend that Bills of Exception will be a Guard against an Innocent persons un-

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L. H. J. justly Sufferring by any of the ways already mencōn'd and others too tedious to trouble your Hon^{rs} with, and therefore we are of opinion that should a Guilty person accidentally escape some Share of the punishment due to his offence by the frequent allowance of Bills of Exception, the use and benefit of them would make ample Amends for such an Inconvenience, But as that cannot (we Conceive) be the Case but on the Contrary lay the fact with all its Circumstances before the Judges, which will give them a much better opportunity of giving a Judgment Adequate to the nature of the offence than they can possibly be able to give on hearing the facts in a hurry at the Barr, and therefore we desire your Honours Concurrence to the generall allowance of Bills of Exceptions.

Tho' we cannot Concurr in opinion with your Honours that it would be any Innovation to allow the associates Voices in Criminall Cases it being agreeable to the Brittish Constitution as your Honours (we believe) may observe by the presidents we have already referr'd to and proceedings of the Governour and Council formerly, when assizes were set up (without any Law of the province to Support 'em) in Imitation of the English practice, we shall wave it at present rather than Lengthen the Time of this Sessions, or hinder the passing the rest of the Bill, which we conceive to be of such absolute necessity.

We shall concurr with your Honours in restraining the Judges of Oyer and Terminer in the manner you propose and hope that a Bill agreeable to what your Hono^r & this House have Concurr'd in & wth what is herein propos'd will pass your House

Sign'd p order M. Jenifer Cl. Lo. Ho.

Which was sent with the Bill to the Upper House by M^r Gant and M^r Bozman. They return and say they delivered it.

The following message is prepar'd Viz.

By the Lower House of Assembly October the 29th 1724.

May it please your Honours

The Bill assented to by both Houses for Secureing the Rights and Inheritances of Sundry the Inhabitants within this province against certain Impositions by pretence of Suspected Deeds, being what requires the utmost dispatch, lest the person thereby provided against should get notice thereof and get into his hands those Deeds from the Clerks that are

intended to be enquired into, before the Clerks have notice of the Act made We pray your Honours to move his Honour the Governour for the dispatch of that Bill as well as the Bill for preventing the Exportation of Corn, That the Copies of those Acts may be rendred Successfull by such Dispatch. L. H. J.

Signed p ord^r M. Jenifer Cl. Lo: Ho.

Which was sent to the Upper House by Coll^o Mackall and Cap^t Mariarte

They return and Say they delivered it

Coll^o Mackall from the Committee of Elections and priviledges Returns the following report Viz.

By the Committee of Elections and priviledges

Oct^r the 29th 1724

On Inspection into the Indentures return'd for Cap^t Ebenezer Blackiston we find him duely Elected.

Sign'd p order M. Jenifer Cl app^{ted}

A Supplementary Engrost Bill to the Act for marking of high ways was read and assented to and was so Endorst and Sent to the upper House by M^r Cabb & M^r Bozman.

They return and say they delivered it.

Resolved that M^r Beale Coll^o Ward & M^r Gant be appointed to Joyn such of the members of the Upper House as they shall appoint in a Committee to apportion the publick Levy. Thereupon the following message is prepar'd Viz.

By the Lower House of Assembly Oct^r 29th 1724.

May it please your Honours

We desire your Honours will be pleased to appoint some of the members of your House to Joyn with Jn^o Beale Esq^r Col^o Jn^o Ward and M^r Tho: Gant (whom we have appointed of our House) in a Committee to apportion the publick Levy for this present year, and are also willing that the members and officers of both Houses this Sessions be allowed at the rate of ten Shillings Curr^t money p hundred for the Severall Dayes attendance due to them since the Closeing the Journall of the Committee of Accounts and desire your Hono^{rs} Concurrency therein p. 172

Sign'd p order M. Jenifer Cl. Lo. Ho.

Which was Sent to the Upper House by M^r Beale and M^r Gant. They return and say they delivered it.

L. H. J. Coll^o Addison from the Upper House delivers M^r Speaker the Bill for relief of James Phillips' Devises thus Endorst Viz.

By the Upper House of Assembly Oct^r the 29th 1724
Read and will pass.

Signed per order Sam^l Skippon Cl Up: Ho:

Whereupon the same past for Engrosing.

Coll^o Tilghman from the Upper House delivers M^r Speaker the Supplementary Bill to the Act for Trying matters of Fact in the Counties &c. with the following message viz.

By the Upper House of Assembly Oct^r 29th 1724
Gentlemen.

The Bill herewith sent Intituled a Supplementary Act to the Act for Trying matters of Fact &c Will pass with the Amendm^{ts} propos'd in your message by M^r Gant and M^r Bozman, and a Limitation of its Continuance for two years.

Sign'd p ord^r Sam^l Skippon Cl Up: Ho.

Benjamin Tasker Esq^r from the Upper house delivers M^r Speaker the following message viz:

By the Upper House of Assembly.

October 29th 1724

Gent.

This House do's Concurr with you in your proposall to allow the members and officers of both Houses this Sessions after the rate of ten Shillings p hundred Curr^t money for the Severall days attendance due to them since the Closing of the Journall of the Committee of Accounts, and do's appoint Benjamin Tasker Esq^r a Member of this House to Joyn with John Beale Esq^r Col^o John Ward & M^r Tho: Gant to apportion the publick Levy

Sign'd p order Sam^l Skippon Cl Up. Ho.

Philemon Lloyd Esq^r from the upper House acquaints M^r Speaker that his Hon^r the Governo^r requires him and the whole house to attend him Imediately in the Upper House. Thereupon M^r Speaker with the whole House go to the Upper House where his Hon^r the Governour was pleased to Enact the Severall Engrost Bills following assented to by both

Houses into Laws by Sealing them with the Great Seale of L. H. J. this province and Severally thus Endorsing them viz.

Octob^r the 29th 1724.

On behalf of the Right Hon^{ble} the Lord Prop^r of this province I will this be a Law.

Char. Calvert.

N^o 1 An Engrost Bill to prohibit the Exportation of Indian Corn for the time therein Limited, to Suspend the Execution of An Act Intituled an Act prohibiting the Importacōn of Bread, beer, fflower Malt, wheat and Indian or English grain or meal, Horses, Mares Colts or Fillies from Pensilvania and the Territories thereto belonging

N^o 2. An Engrost Bill for Securing the Right and Inheritances of Sundry the Inhabitants within this province ag^t certain Impositions of Suspected Deeds.

M^r Speaker with the whole house return to their own House where M^r Speaker Resumes the Chair and Reports what his Hon^r the Govern^r had as before done.

The House Adjourns till to morrow morning nine of the Clock.

Fryday Octob^r the 30th 1724

The House meets according to Adjournment

Yesterdays proceedings are Read.

James Bowles Esq^r from the Upper House Delivers M^r Speaker the Petition of George Dent Gent on behalf of his Brother Thomas Dent, Thus Endorst Viz.

By the Upper House of Assembly Oct^r 30th 1724

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On hearing the within Petitioner on behalf of his Brother Thomas Dent by his Council, and likewise the allegacōns of M^r John Courts and Cap^t Harrison in opposition thereto, We are of opinion that the s^d Thomas Dent ought to be relieved, and are apt to believe that some Circumstances in the Evidence may have Escaped your notice, and therefore we again recommend the prisoners unhappy Circumstances to your consideration.

Signd p ord^r Sam^l Skippon Cl Up. Ho.

Thereupon the Question was put whether a Bill shall be brought in under some Restrictions or not, &

It was Carried in the Affirmative.

Whereupon Leave is Given to bring in a Bill.

L. H. J. The Bill for relieving the Inhabitants of this province from the hardship they may lie under in paying their Levies officers fees and other Country Tob^o Debts this present year & amended, was read &

The Question put whether Tobacco shall be rated at Sixteen Shillings and eight pence or twelve Shillings and Six pence p hundred.

Carried by Majority of Voices that it be Sixteen Shillings and Eight pence Curr^t money.

Then the Bill past with the amendments and was so Endorst and the following message prepared Viz.

By the Lower House of Assembly Oct^r the 30th 1724.
May it please your Honours

We have amended the Bill relieving the Inhabitants of this province from some difficulties they may lie under in paying their Levies officers fees and other Country Tobacco Debts this present year, according to your Message of the 29th Instant by John Rousby Esq^r Except the adding a Clause to Exempt the Sheriffs from any Execution to be Served upon them this year for any Arrears of publick dues or officers fees due for the last year which we are of opinion is not necessary in regard the Sheriffs are intituled to the same Indulgence with other Debtors for any Debts they owe and we know no reason to make any further provision in their favour, and therefore desire the Bill may pass as it is now amended.

Sign'd p ord^r M. Jenifer Cl. Lo. Ho.

Which Bill and message afores^d were sent to the Upper House by Col^o Mackall and M^r Crabb.

They return & say they delivered them

An Engrost Bill for the relief of the Devises of James Phillips decēd was read and assented to and was so Endorst and Sent to the Upper house by M^r Tolley & M^r Taylor.

They return and say they delivered it.

A Supplementary Bill to the Act for Tryall of Matters of Fact in the Counties &c was read with the Amendments & past which was so Endorst and sent to the Upper house by M^r Tyler & M^r Oldham. They return & say they delivered it.

A Bill for Explaining a Paragraph of the Supplementary Act to the Act directing the manner of Electing & Summoning Delegates &c was Read the first and second Times by especiall order and past which was so Endorst And Sent to the Upper house by Cap^t Harrison and Cap^t Hudson. They return and say they Delivered it

John Rousby Esq^r from the Upper House delivers M^r L. H. J. Speaker the following Message viz.

By the Upper House of Assembly Oct^r the 30th 1724.
Gentlemen.

We have read and considered the Report of your Committee of aggrivances and are concern'd to find that such Misunderstandings and differences arise between the Sheriffs and people of the Sev^rall Counties But as yo^rselves acknowledge it [is] almost Impracticable by any written Rules to prevent all Inconveniencies of that kind, we can only Say, ^{p. 174} we wish it in our power so to do, and we shall be always ready to Contribute our Endeavours by any reasonable means to accomplish so good a work We observe your said Committee propose it as an Expedient for reconciling those differences, that the Sheriff be made Elective by the voices of the people, But we are much afraid that such a method would rather prove a foundation for confusion and party animosities Succeeded by the oppression of those who appeared not to be of the prevailing Candidate's party, than a Remedy against the before mentioned Evils, besides the appointing of Sheriffs in the Severall Counties within this province, has been hitherto thought a Branch of our Proprietary's prerogative as appears by a Continued practice for many years.

Sign'd p order Sam^l Skippon Cl Up Ho.

Coll^o Holland from the Upper House Delivers M^r Speaker the Bill for relieving the Inhabitants of this province from some difficulties &c thus Endorst Viz.

By the Upper House of Assembly Oct 30th 1724

Read and will pass with the following amendments viz. The word (about) and the words (take the best Care I can to) to be inserted in the Latter oath w^{ch} will make it agreeable to the former Oath.

Sign'd p order Sam^l Skippon Cl. Up. Ho.

Which being read the Bill was amended accordingly & past for Engrosing

Coll^o Young from the Upper House delivers M^r Speaker the Supplementary Bill to the Act for Tryall of Matters of Fact in the Counties &c thus Endorst viz.

By the Upper House of Assembly Octob^r the 30th 1724.

Read and will pass.

Sign'd p order Sam^l Skippon Cl. Up. Ho.

L. H. J. Thereupon the same past for Engrosing.

A Reviving Bill to the Act for Limitation of officers fees was read the first & Second times by especiall order and past which was so Endorst and sent to the Upper House by M^r Edw^d Wright & Cap^t Henry Hooper.

They return and say they delivered it.

John Hall Esq^r from the upper House delivers M^r Speaker the Supplementary Bill to the Act for Electing and Summoning Delegates &c thus Endorst viz.

By the Upper House of Assembly Octob^r the 30th 1724
Read and will pass.

Sign'd p order Sam^l Skippon Cl Up. Ho.

Thereupon the same past for Engrosing.

The following message was prepar'd Viz.

By the Lower House of Assembly Oct^r the 30th 1724.

May it please yo^r Honours

We thankfully accept your Honours kind promises of your Endeavours to accomplish so good a work as the preventing the Inconveniencies that arise from the present frequent differences betwixt the people and Sheriffes, And therefore if the objection in your Honours Message of this Instant by M^r Rousby can be remov'd We hope we may then lay a Just claim to the promise of your Endeavours in that Part.

And we hope your first objection will not remain with [you when] your Honours consider there may be the same Regulations for the Electing a Sheriff that are now used for the Electing of Delegates and that the Sheriff will be under the Restraint of all the Laws in force to prevent his Oppressing those that have Voted against him, and will be under this more weighty Influence that by oppressing one of those that Voted against him he might Lose the Votes of many of those that voted for him at the next Election and so have a period put to his power of oppressing, And the People have Leave to Chuse another in his room, who for fear of the like fate would avoid the offence. And we conceive your observation that the Appointing Sheriffs has been hitherto thought a branch of the prerogative will not at all discourage our Endeavours for the obtaining what we propose as an Ease to the prerogative and if his Honour the Governour or the Chief magistrate for the time being is pleased to think it so, and Consents to it, we shall then think our Selves easy in the remedy propos'd, and if not, it is yet offering to his Honour an oppor-

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tunity of doing an acceptable Good which (from Experience) L. H. J.
we have no reason to believe he will decline Embracing.

Sign'd p order M Jenifer Cl. Lo. Ho.

Which was Sent to the Upper House by M^r Dashiell and
M^r Young. They Return and Say they delivered it

An Engrost Bill for laying out a Town at Joppa in Balte-
more County was read and assented to and was so Endorst
and sent to the upper House by M^r Tolley & M^r Hamilton.
They return & say they delv^r'd it

The House Adjourns till to morrow Morning nine of the
Clock

Saturday Octob^r the 31st 1724

The House meets according to Adjournment

Yesterdays proceedings are Read.

The Question was put whether Cap^t Harrison shall be paid
part of his allowance before the Gate House be finished or
none at all.

And it was carried by Majority of Voices that eighty
pounds Curr^t money be allowed him now and the remaining
thirty pounds to be paid according to the former order.

The Report of the Committee appointed to treat with proper
workmen about the Repairs of the Stadt House was read and
approved of and ordrd to be Entred as follows viz.

The Report of the Committee appointed by the Hon^{ble} the
Upper & Lower Houses of Assembly to treat with workmen
for the Repairing the Stadt House, 29th October 1724

Offered to the Committee by Thomas Watson of the City
of Annapolis to do all the Carpenter's and Joyner's work of
the Stadt House and find every thing to Compleat the same
as also hooks hinges and other iron work for Seventy pounds
Curr^t money, and is ready to Enter into bond with two Securi-
ties for the performance of the said work, to be finish'd work-
manlike by the last day of June

Offered to this Committee by Patrick Creagh of the City of
Annapolis to do the remaining part of the work mencōned
in the former Report Except Rough casting the outside viz.
plaisterers Bricklayers Glaziers and Masons work and to
paint where there shall be occasion any Colour the House
shall order, he to find all necessaries for the said work but
Glass for one hundred and forty five pounds Curr^t money and
is ready to enter into Bond with two Securities for perform-

L. H. J. ance of the same workmanlike by the last day of September next.

Your Committee propose that the undertakers of the Joiners and Carpenter's work have power at their discretion to make any Small Alteracōn which may be agreeable to the proportion of their work and the Squares of the Glass

Your Hon^m Committee is of opinion that the publick officers should be obliged to keep their respective offices in good repair after the finishing this work.

Sign'd p order John Gibson Cl Com.

Thereupon the following Message is prepared Viz.

By the Lower House of Assembly Oct. the 29th 1724.

May it please your Honours

We have considered the Reports of the Committees to view & treat with proper workmen ab^t the Repairs of the Stadt House and Cap^t Hooper a member of this House is willing to undertake & perform the Same for two hundred pounds Curr^t money & to enter into Bond for the due performance thereof according to the severall Reports of those Comittees

Sign'd p ord^r M. Jenifer Cl. Lo. Ho.

p. 176 Which was Sent to the Upper House by M^r Oldham & M^r Hopkins

They return and Say they delivered it

An Engrost Bill for Explaining a paragraph in the Supplementary Act to the Act for Electing & Sumoning Delegates & An Engrost Bill Supplementary to the Act for trying of matters of fact &c^a were Severally read & assented to and were so Endorst and Sent to the Upper House by M^r Crabb & Cap^t Taylor. They return and say they delivered them.

An Engrost Bill relieving the Inhabitants &c^a was read and assented to & was so Endorst and Sent to the Upper House by Cap^t Harrison and M^r Oldham. They return & say they delivered it.

Coll^o Addison from the Upper House delivers M^r Speaker the reviving Bill to the Act for officers ffees thus Endorst Viz.

By the Upper House of Assembly Oct^r the 31st 1724.
Gentlemen.

On reading and considering the within Bill We are of opinion that the Granting of Speciall Warrants by the Secretary is a matter of favour from his L^{pp} We cannot therefore

think the Customary fee of five hundred pounds of Tobacco for Peticōn, order and making out the said warrant is an unreasonable fee Especially considering that the Secretary or his Clerke does upon application (even of the most ignorant) advise and form the necessary Recitalls to each warrant, without a Regular Petition Setting forth the Severall Circumstances of the Case; and as to the Renewall of Warrants it is the persons own neglect who applies for them, if he does not make the proper Return or Renew them within the time limited. L. H. J.

Secondly, that to oblige merchants who Trade for Tobacco in Expectation of profit, to take another Commodity instead of Tobacco which will not reimburse them half of their principal, beside their Disappointment in Loading their Ships must be Destructive to Trade without which We Cannot Subsist, and inconsistent with Justice, w^{ch} ought to be our Guide

Wherefore we desire you to Exclude what relates to the Secretary and merchant with which Alterations this Bill will pass

Sign'd p order Sam^l Skippon Cl Up Ho.

Whereupon Resolved that the Bill be amended accordingly And the following message is prepar'd Viz.

By the Lower House of Assembly Oct^r the 31st 1724.
May it please your Hon^{rs}

The Granting Speciall Warrants as observed by yo^r Hon^{rs} message this day by Coll^o Addison was indeed a matter of favour formerly when such warrants were to Affect all Cultivations & Improvm^{ts} how valuable soever for the Common purchase of Rough Lands; and this gave the fee or Gratuity of 500^l of Tobacco a reasonable foundation, But since the practice has been to value all Improvements and for the Purchaser to pay the value of them it becomes mere matter of Contract between his L^{pp} and the people and therefore as the favour which was the Consideration [for] the 500^l of Tobacco Ceases, We must insist that the Gratuity it Self ought to Cease. And we cannot find that the Clerks form or draw any Petitions for purchasers of Speciall Warrants but what they are otherwise Paid for And as to the fee for renewing Warrants we never understood it was taken on pretence of a fine for Neglect before your Honours Message gave us the Intimation. We thought it had been only claim'd as a fee or reasonable reward for the Service of renewing it and we are well Satisfied the fee of fifty pounds of Tobacco propos'd by the Bill was a Competency for it; But if such difficulties

L. H. J. are put upon the purchasers of his Lordships Lands by his officers it must needs lessen the number of purchasers and discourage the planting and Settling the Frontiers which we shall submit to be further Considered, and as to the fees or Gratuities themselves altho they are founded on no Law
 p. 177 neither have they any reasonable Custom Subsisting to Support them, however for the giving your Honours a most indubitable Demonstration of our Good Inclinations to end this Sessions in the most amicable manner, We agree to pass the Bill for officers ffees with the amendments you propose.

Sign'd p ord^r M Jenifer Cl. Lo. Ho.

Which was Sent to the Upper House by Cap^t Mariarte and M^r Bozman. They return and say they delivered it.

A Bill for the Relief of Thomas Dent of Charles County Gent was read the first and second Times by especiall order and past w^{ch} was so Endorst and Sent to the Upper House by M^r Courts and M^r Hawkins.

They return and Say they delivered it

Coll^o Ward from the Upper House delivers M^r Speaker the Bill for relief of Thomas Dent of Charles County Gent thus Endorst Viz.

By the Upper House of Assembly Oct^r 31st 1724

Read and will pass.

Sign'd p ord^r Sam^l Skippon Cl Up Ho.

Thereupon the same past for Engrosing.

M^r Waughop on his motion has the Leave of the house to go home in order to attend at S^t Maries County Court which is to Sit on Monday next

The Journall of the Commissioners appointed to view the publick Records was read and this House Concurrs therewith.

The House proceeds to tax the ffees on the Severall Bills following Viz.

On the Bill in favour of M ^r Holliday	£	s.	d.
To the Hon ^{ble} Speaker	7..	0..	0
To the Clerke	3..	10..	0
On Col ^o Herman's Bill To the Hon ^{ble} Speaker	2..	0..	0
To the Clerke	1..	0..	0
On the Bill in favour of Hutchinson's Devises			
To the Honourable Speaker	6..	0..	0
To the Clerke	3..	0..	0
On W ^m Anderson's Bill To the Hon ^{ble} Speaker	1..	0..	0
To the Clerke	--	10..	--

On Jn ^o Sweenyards Bill, To the Hon ^{ble} Speaker	2.. 0..0	L. H. J.
To the Clerke	1.. 0..0	
On M ^{rs} Freeborns Bill To the Hon ^{ble} Speaker	1.. 0..0	
To the Clerke	0..10..0	
On Jn ^o Cheney's Bill To the Hon ^{ble} Speaker	1.. 0..0	
To the Clerke	--10..--	
On Phillips' Devises' Bill To the Hon ^{ble} Speaker	5..--:--	
To the Clerke	2..10..--	
On Joppa Town Bill To the Hon ^{ble} Speaker	5..--:--	
To the Clerke	2..10..--	

James Bowles Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly Oct^r the 31st 1724.

We the very Sorry to hear that some of the Clergy (tho' we hope but few) of the Established Church of England within this province have so Misbehaved themselves as to produce the ill Effects mencōned in your Message of the 27th Instant and shall always be very ready to Join with your House in taking proper measures for preserving the purity of that holy Religion we profess It was for that end that we referred to your Consideration a Representation made by Severall of the Reverend Clergy of this province as a proper foundation to proceed upon to remedy the afores^d Evills, but it seems to us by the purport of your message that you have rejected the said Representation, and would recommend to us the Erecting a lay Judicature for the Establishment of Ecclesiastical Discipline, a thing we can by no means consent to as being Contrary to the Constitution in England to which we are obliged to Conform as near as may be both in Church and State. If the Misbehaviour Complained of in the Clergy only respects their Moralls, We have many good Laws in force which may be put in Execution ag^t them as well as ag^t any lay person, But if they hāve misbehaved themselves in the discharge of their Sacred ministeriall ffunction, We know no Remedy more proper than by a Joint Representation of it by both Houses of Assembly, with such of the Reverend Clergy as shall think fit to Joyn with us in it, To the Lord Bishop of London under whose discretion these American Collonies with respect to Ecclesiasticall affairs are said to be, who Doubtless with the Concurrence of our Legislature will take care to Establish an Ecclesiasticall Judicature to reform the Irregularities of our Clergy. But Should we proceed to take any other method to accomplish it, We have reason to feare we should incurr the same Censure which our neigh-

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L. H. J. bouring Colony (Carolina) did some years ago in a Case of the like nature

Signd p order Sam^l Skippon Cl Up Ho.

In Answer whereto the following message is prepared Viz.

By the Lower House of Assembly Oct. the 31st 1724
May it please yo^r Honours

We are at a Loss to guess what part of our Message about the Clergy it is that you understand us as recommending you to erect a lay Jurisdiction for the Establishment of Ecclesiasticall Discipline and can therefore Say no more to it, than to Desire your Honours' further consideration of that message which probably your Hon^{rs} might be lead to misconstrue from the apprehension the Clergy Exprest in their Representation They indeed Set forth that they were inform'd that a motion was made to erect a Jurisdiction for the better Governm^t of the Church and Clergy. We indeed thought it necessary to do something that might influence Some of the Clergy to govern themselves more like moralists & Christians than they do the more's the pity; and tho' we never had any intent to infringe the Ecclesiasticall Laws, yet by Complaints from most parts of the province that the misconduct of the Clergy and of their pretending to a Generall Exemption of their psons from all punishment by the temporall Laws, loudly called for our Endeavours to inforce those Laws ag^t them, and we beg leave to observe that as the Clergy Signing the Representation grant there [is] a necessity for the Inforcement of Ecclesiasticall Jurisdiction as the only proper method to redress the Grievances of the Church, we should have been Glad that the Clergy had given us their Opinion what those Grievances were for we frankly declare (tho' sorry for the Cause) that we think the Immorality and prophanity of some of their Brethren the greatest that we know of and if they would by their Representation be understood that it [would] be opposite to their Ordination Vow to submitt to Temporall punishment for their Immoralities we should be glad [if] they would recommend it to their Brethren as tenderly to consider whether their Conduct be not more Contrary to that Vow than their submitting to the Laws of their Country for such offences as they cannot but know [to be] of evil Example and to the Common hurt of Christianity.

We have heard of the Case of Carolina and have likewise [been] told that the Act for Establishing the forty p poll cannot be touched by the Legislature and we doubt the Gentlemen's Security renders them Careless, but we hope your

Honours will Join with us in letting these Gentlemen know that this Legislature may as well propose the Repeal of that Law as they at first propos'd the making it and perhaps (for the unhappy Causes they [too] plainly give) might find as good Intrest to obtain as they to oppose the Royall favour in the Repeale of it. I. H. J. p. 179

If your Honours' giving them a necessary Caution might have so desirable an Effect as that their future Conduct might Induce the Legislature to forget all thoughts of this kind, We are of opinion that it would be a much better way, of arguing than to insist on their Establishments which have their foundation on the Laws of England and this province and not of the Medes and Persians.

We shall not now trouble your Honours further than to enforce our former message and to say we still think it our indispensable duty to make use of all means in our power to put a Check to practices so Destructive of our Religion and we hope your Honours at a further opportunity will Join with us in so necessary a work.

Signd p order M Jenifer Cl Lo. Ho.

Which was sent to the Upper House by M^r Crabb and M^r Bozman

They return and say they delivered it.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the following message Viz.

By the Upper House of Assembly Octob^r the 31st 1724
Gent.

This House has no objection against Cap^t Hooper's undertaking the Repairs of the Stadt House, unless some other person equally qualified will do it for less money.

Signd p ord^r Sam^l Skippon Cl Up. Ho.

An Engrost Bill for the relief of Thomas Dent of Charles County Gent. was read and assented to and was so Endorst and sent to the Upp^r House by M^r Hawkins and Cap^t Harrison

They return and Say they delivered it.

The Bill for the Assessment of the publick Levy this present year was read the first and second Times by especial order and past which was so Endorst and Sent to the Upper House by M^r Courts and M^r Solomon Wright. They return and say they delivered it

L. H. J. An Engrost Bill reviving the Act for Limitation of officers fees was read and assented to and was so Endorst, and Sent to the Upper House by Mr Dashiel and M^r Hopkins. They return & say they delivered it.

Daniell Dulany Esq^r on his motion has the Leave of the House to be absent the remaining part of this Sessions his office & busieness requiring his attendance at Baltemore County Court the next week.

Cap^t King has the Leave of the House to go home his Wife being very sick.

It being Enquired into whether the Com^{rs} Generall and the Secretary have given Security for the publick Records in their Custody that have been viewed and want no Repair,

It appears that only Coll^o Holland and Coll^o Addison two of the Com^{rs} Generall have given security But no Bond appears to have been given by the Secretary and the Bond delivered to the Clerke of the Provinciall Court to be Recorded

Ordered that Thomas Jobson see that the Engine be put and kept in Good Repair.

James Bowles Esq^r from the Upper House Delivers M^r Speaker the Orriginall and Engrost Bills reviving the Act for Limitation of officers ffees with the following message Viz.

By the Upper House of Assembly Oct^r the 31st 1724.

Gent.

Upon Comparing the Engrost with the Orriginall Bill for
p. 180 Reviving and Continuing the Act for Limitation of officers fees &c. We are Surpriz'd to see this Interlineation to wit, person Except in the last Side made in the Orriginall Bill after it had passed this House, which makes an intire alteracon in one part thereof but as we are inclin'd to believe such Interlineation hath hapned through mistake rather than Design, We send you back again both the Orriginall and Engrost Bills that they may be rectified according to the alteracōn propos'd by our house and consented to by your Message of this day.

Sign'd p ord^r Sam^l Skippon Cl Up. Ho.

In Answer whereto the following message is prepar'd Viz.

By the Lower House of Assembly Oct^r the 31st 1724
May it please Your Honours

We understood the alteracōns made in the Bill for reviving the Act for officers ffees &c had been agreeable to your

Intentions for that as the Paragraph relating to Flax and hemp by a reasonable construction of the words thereof made those Commodities Current to all persons except for publick or County Levy and the forty p poll and that your Honours' Message signified to us that we should exclude what related to the Secretary and the merchants with which alteracōns the Bill would Pass; We made those Alteracōns accordingly by the words you seem to find fault with and therefore hoped we should have met with no objection to it But whatever misunderstanding may have happened in this matter we now desire you to be perswaded that we cannot in a consistency with our Duty Consent to the passing the Bill without that paragraph.

Sign'd p order M. Jenifer Cl Lo Ho.

Resolved that the Chancellor be allowed five hundred pounds of Tobacco for each body of the Laws of this Sessions for the severall Counties and the provinciall Court and to the Upper & Lower house of Assembly and for a Coppy of the Body of Laws to send to England Six hundred pounds of Tobacco

The House Adjourns till Monday morning nine of the Clock.

Monday Nov^r 2^d 1724

The House meets according to Adjournment.

Saturday's proceedings are read

The Journall of the Commissioners appointed to view the publick Records was read and Thereupon the following Message is ppos'd

By the Lower House of Assembly, Nov^r 2^d 1724

May it please your Honours

On Reading the Journall herewith Sent and on Enquirey whether any Bonds are given by the Hon^{ble} the Secretary & the Com^{rs} Generall to keep in repair the publick Records in their Several Offices which are adjudged by the Commission^{rs} Appointed to View the Public Records to be in good repair, We only find that the Hon^{ble} William Holland and Tho. Addison Esq^r two of the Com^{rs} Generall have given Security pursuant to the Supplementary Act for the Repairing the Publick Records for the Records in their office & according to the Direction of the Commission^{rs} And as to the Secretary We find that there is no Bond yet by him Given pursuant to the said Act and the Directions of the Com^{rs}

L. H. J. Wherefore we are of opinion that one of the Com^{rs} Gen^l & the Secretary have no Right to the Severall fees of their offices untill Security is given pursuant to the Act of Assembly and Directions of the Commissioners af^d and desire your Honours will be pleas'd to advise the Severall officers afores^d
p. 181 who have not yet given Bond being members of your House and therefore referr the further consideracōn to your Honours.

Sign'd p order M. Jenifer Cl Lo Ho.

Which was Sent to the Upper House with the Journall therein mencōn'd by M^r Beale and Cap^t Hooper. They return and say they Delivered them.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the Orriginall and Engrost reviving Bills to the Act for Limitation of officers fees &c with the following Message Viz.

By the Upper House of Assembly Novemb^r the 2^d 1724.
Gentlemen.

We are much concern'd to find by your message of the 31st of October by M^r Tyler & M^r Taylor that you Endeavour by a foreign Construction of our Intentions relating to the alteracōns propos'd and an unreasonable Construction of the words in the Bill for reviving officers fees to Justifie a practice unheard of till now in parliamentary proceedings; which we were willing (for the Sake of Cultivating an amicable understanding between the two Houses and that we might pursue the busieness before us) to have lookt upon as a mistake and not a design to impose upon us. But you oblige us to insist; That for either House to alter a Bill past in both Houses without the knowledge and consent of the other is a Violation of that priviledge that ought to be Sacred to both and that you have done so is apparent; for instead of Excluding the whole paragraph that makes hemp & flax Current in paym^t of Tobacco Debts due to merchants and others Trading or Commercing in or to this province (which was the true intent & meaning of the alteration propos'd by us in our former message) you have by the Interlineation formerly menconed, artfully Excused such merchants and Involv'd the Inhabitants of this province in the same mischief, w^{ch} is an Alteracōn so farr from our Intentions that it was not so much as once Spoke of to or by our House. Certainly Gentlemen, when you consider this affair you will no longer Endeavour to perswade us to part with our priviledge by consenting to the ingros'd Bill as it now stands which we have

again sent you; not doubting but that you will make it agree- L. H. J.
able to the true Intent and meaning of the alteracōns
propos'd by us, when the Orriginall Bill past our House and
to which you have heretofore Consented.

Signd p ord^r Sam^{ll} Skippon Cl Up. Ho.

In Answer whereto the following message is prepar'd Viz.

By the Lower House of Assembly Novemb^r the 2^d 1724
May it please Your Honours

We cannot Imagine that your Hon^{rs} have had the least
Cause of concern or Surprize for any the Matters you are
pleas'd to impute to us by your message of the 31st past by M^r
Bowles and of this day by M^r Tasker as unprecedented unpar-
liamentary or Violating any the priviledges of your House
which whatsoever they be we wish you always had and would
preserve as free from Violation as we do for tho' you are
pleas'd to Suppose a mistake in us we can hardly have that
Supposition of Your House since we so plainly by our message
of the 31st past by M^r Tyler & M^r Taylor pointed out to
your Honours how those Interlineations were made Viz. In
Conformity to your message endorst on the Bill and since
your Honours are pleas'd to insist that we have apparently
Violated the priviledge of your House by our Artfully Excus-
ing (as you are pleas'd to term it) the merchants therein
mencōned instead of Excluding the whole paragraph We take
the Liberty of insisting but we hope with much more Candour
and Justice that your messages could never bear the sense you
now Contend for never proposing to Exclude the whole
paragraph nor to Exclude any others but the Secretary and p. 182
the merchants and the amendment we made which you are
pleas'd with so much freedom to upbraid us with was only to
Exclude the Secretary and the merchants. But if you in-
tended and hop'd to lead us into the Excluding all others when
your words & our Intentions plainly intimated to you, were
to Exclude none others we pray you to consider who were
Endeavouring to be the most Artfull especially considering
that yo^r Concurrence with the Bill on the Amendments you
propos'd was one great Inducement for this Houses post-
poning the further consideration of those unreasonable fees
to the Secretary.

We have indeed true Cause of concern when we find yo^r
Hon^{rs} that have so Long acted as a part of this Legislature
now Contending for Innovations in our parliamentary pro-
ceedings and treating us in the Manner you do for pursuing
the Constant practice of amending Bills on messages from

L. H. J. your House, for we defy the best acquainted with the proceedings of generall Assemblies here to give one Single Instance where ever Amendments were propos'd by your House and Concurr'd with by ours but the Bill was Imediately amended in our house according to our sense of the Amendment you propos'd and then past for Engrosing. This has ever been the practice and this practice we pursued in the present Case, And when we find you mov'd to treat us in the most reproachfull manner for our doing So, what can we Expect from your Honours but Innovations and we take this Occasion to wish they were the only such that seem desir'd

We have already made the Bill agreeable to the genuine Sense and Common Acceptation of the words of your Message & the true Sense (fully Exprest) of our house and if your Honours have alter'd your Sentiments since you propos'd the Amendment We beg you'l rather be frank in declaring so than Condemn So Ancient usefull & Expeditious practice in making such Amendments. Thus we hope an Amicable understanding may be much better preserv'd and the busieness before us better dispatcht than by your Endeavours to drive or lead us into new practices.

Signd p ord^r M. Jenifer Cl Lo Ho.

Which was Sent with the Bills af^d to the Upper House by M^r Dashiel & Cap^t Ebenezer Blackiston. They return & Say they delivered them

Coll^o Holland and Col^o Young from the Upper House deliver M^r Speaker the following message Viz.

By the Upper House of Assembly Nov^r 2^d 1724
Gent.

The manner of Transacting publick affairs in Parliament when any matter is in difference between the two Houses should seem to be an Unquestionable president to the proceedings of our Houses of Assembly We can truly say it on our parts, that we have always Studied to speak our Sentiments of things after that great Example, but with all the Deference that is due to the Lower House of Assembly and have made it our particular Care, altho we could not always Agree with you in opinion, that we could never offend in point of Good Manners which we think inseperable to our Character and the most Effectual Means for the dispatch of all publick busieness.

If your House had always had the Same Regards to us or to the Necessary Rules & usages of Parliament for the pres-

ervation of such good Correspondence there would have been L. H. J.
 no Room for questioning whether those freedoms which you
 have taken in your Message of Octob^r the 27th by Col^o Mackall
 and five others was becoming you or no, for as it is a funda-
 mentall Right inherent to both Houses of Debateing Approv-
 ing or Rejecting whatsoever is propounded by the other House
 We could never have imagined that our not giving Directly
 into yo^r Measures (as to the Draught of the oath laid before
 us by M^r Attorney Generall) would have drawn upon us such p. 183
 undeserved Calumnies as those of having Inverted the order
 and End of our office of consulting his L^{pp}s pleasure more than
 his Intrest, and lastly of having neglected to give his L^{pp} the
 necessary advices upon the late addresses transmitted to him
 by your House

Certainly when you consider the thing you will have Just
 reason to acknowledge that such unhandsome Reflections
 have had no other foundation than Groundless Jealousies and
 the mere mistakes of yo^r House for to say nothing of the first
 two, which yet tend to a manifest breach of that Good Corre-
 spondency which ought always to Subsist between the two
 Houses, We may with a great Deal of Justice Complain that
 Impossibilities are made to be a part of our Duty.

Gentlemen. You must needs Confess that you forget your-
 selves Sometimes and give us room to believe that the precip-
 itancy of your proceedings is the Naturall Result of your Zeal
 for the good of your Country which however, you are so
 Sanguine in the pursuit of that you never once considered
 whether the Address mention'd in your message ever came
 to our hands or no. We assure you it did not and that it
 remain'd a mistery to us untill the publication thereof in print,
 as to the Substance of it, altho' we had before been beholden
 to Common Fame for the Truth of the ffact.

We are Sorry to find the Lower House of Assembly so farr
 mistaken in Policy as well as in prudence of Governm^t as to
 believe we had fail'd in our Duty by postponing the Inno-
 vation which we found in the form of the oath to be advised
 on by the Lord Prop^r who by the help of the best Lawyers
 in England might have been able to inform his Councill of
 State here whether such alteracōn (which related only to that
 of the Kings Letter) might be consistent with his L^{pp}s Charter
 which we are of opinion is of great Security both to the
 Liberty and the Rights of the people of this province. We
 leave it therefore to any Impartiall Judge upon due Recol-
 lection of the matter, Whether we have faild in our Duty, and
 not rather done the part of true patriots, as well as of faithfull
 Councillors of State.

L. H. J. However our House having consulted M^r Attorney Generall upon that part of the Oath relating to the King's Letters, who gave it as his opinion that the inserting that Clause of the Letters in the Oath can be no prejudice to the Charter of this province, We are therefore willing to Concurr with you in that particular notwithstanding our former precaution therein.

Gentlemen. We are very sensible of the Great Charge which this Sessions will bring upon the Country and are therefore willing to bring the busieness to as Speedy a Conclusion as possible without giving any Just Cause to our Country of laying any ill Steps at our Door, and as a Convincing Evidence thereof, We have prepar'd such a Draught of an Oath as will in our opinion prove most agreeable to the office of a Judge as well as the Security of our Constitution, which we are as Desirous of preserving as it is possible for any of your House to be We do not Condemn your Vigilancy in that point but we think it very hard that you should do us the injustice of Suspecting us either as an Upper House or as his L^{pps} Council of State to be Enemies to it; We therefore propose the Draught of the Oath herewith sent you to be taken by all the Judges of the Courts of Law.

Sign'd p order Sam^l Skippon Cl Up. Ho.

I A. B. do Swear that as a Justice of the Court in Maryland in all Articles of his L^{pps} Commission to me directed I will do equall Law & Right to all the Kings Subjects Rich and poor according to the reasonable Laws Statutes & Customs of England and the Acts of Assembly and usages of the province of Maryland I will not delay any person of Comon Right for the Letters of the King or the Lord Prop^r or of any other person whatsoever nor for any other Cause, and in Case any Letters shall come to me Contrary to Law I will do nothing by them, but Cause them to be Entred upon Record and Certify the King, the Lord Prop^r or the Governour for the time being of them, and will proceed to Execute the Law notwithstanding the same Letters, I will hold the Courts according to the Acts of Assembly and the Directions in my Commission; I will do and procure the profits of the Lord Prôpry in all things, where I may Lawfully & reasonably do the same; I will not Debarr nor hinder the prosecution of Justice; nor take any Gift Bribe or fee for delaying or hindring Judgment, But will behave myself Justly honestly & faithfully to the best of my knowledge & understanding so long as I shall continue in the said office. So help me God.

p. 184

The following message is prepar'd Viz.

L. H. J.

By the Lower House of Assembly Nov^r 2^d 1724

May it please your Honours

We should be Glad to know your Sentiments of the Resolves of this House Communicated to you in 1722 so farr as they relate to the Constitution of this province in Case your Hon^{rs} have yet maturely considered them.

Sign'd p ord^r M. Jenifer Cl. Lo. Ho.

Which was Sent to the Upper House by M^r Edward Wright and M^r Hawkins. They return and say they delivered it.

The House Adjourns till to morrow morning 9 of the Clock

Tuesday Nov^r the 3^d

The House meets according to Adjournment

Yesterday's proceedings are Read.

The following message is prepar'd Viz.

By the Lower House of Assembly Nov^r the 3rd 1724.

May it please Your Honours

In your message last night by Col^o Holland & Col^o Young you are pleas'd to propose the proceedings in parliament as a Good precedent to the proceedings of our Assemblies and you are pleas'd to say you have always Studied to Speake your Sentiments after that great Example. We concurr with you in the Choice of your presidents and if your Studies & the particular Care you mention had not their due Success we heartily wish they had. If you have always Spoke after the manner of the Brittish Parliament in all your Debates with us throughout this whole Assembly then we hope should we Speake like you it would be allowed by you to be speaking after the manner of the Brittish Parliam^t But we hope your Honours Intended no offence to that great body nor do we intend to offerr any to your House, and if we are wanting in Good manners we promise to Learn, when the busieness of our Countrey will allow us more Leisure

Indeed we apprehend your Honours were in hast (tho' from the 28th of Octob^r till the 2^d Instant) in answering Our Message by Coll^o Mackall and others for we cannot find you have answered it as if you had given it a Deliberate Reading. We say in that Message for your Honours to wait for his L^{pp}s advice instead of giving your advice to his L^{pp} seems

L. H. J. to invert the Order and End of your Office of Counsellors
 You are pleas'd to say in your last message that your
 not giving in to our measures concerning the Oath has
 drawn that Calumny on you. We say we esteem it no ways
 necessary for faithfull Counsellors to know what will please
 their prince before they give their advice &c Which tho' we
 Spoke Generally of such as Studied rather to please than to
 Serve, you are pleas'd to lay claim to as part of your Char-
 acter and call it a Calumny thrown on you by us and we find
 because we give you our opinion of what good Consequence
 your Communicating to his L^{pp} your Sense of our Resolves
 might have been you take that as a Calumny & a Charge of
 Neglect for not advising his L^{pp} on the late Address We hope
 p. 185 in all this there is not the least appearance of Calumny, but
 if your Honours are pleas'd to call our reasonings with you by
 such names as you are displeas'd at we must leave you to your
 liberty who best know how to describe your Selves and
 Actions.

We did not Charge your Honours with having had the ad-
 dress for it was not directed to you, we only Supposed you to
 be acquainted with it, which though you were not Judicially as
 a House, yet the most of you were in a private way, and every
 member might have been, for it was Entred at the end of the
 Journall of this House which was return'd to the Secretary
 to be Copied and sent to England, and now remains publick
 Record. But as our Message only Mencōned That if when
 your Hon^{rs} were acquainted with the address you had then
 appriz'd his L^{pp} &c. We desire you to consider how Impos-
 sibilities are thereby made part of your Duty, or what In-
 stances you have of our forgetting ourselves, or of any precip-
 itancy or Sanguinity in the pursuit of what you Say we never
 once considered, for we only Suppos'd it might have been of
 use to his L^{pp} for you to have apprized him when, and not
 before you were acquainted with the Address

We heartily wish we were as Good masters of policy &
 prudence of Government as you think yourselves to be; we
 should not then have called that part of the oath an Innovation
 that was Enacted in the Reign of Edward the 3^d nor have
 waited long for the opinion of the best Lawyers in England
 concerning what was most agreeable to the constitucōn and
 publick Weal of Maryland, as you propos'd in your former,
 tho' you deviate in the present message, in this particular; as
 well as forgetting that your objections to the Oath was in
 points that you do not now mention and Since the oath as you
 now propose is Exactly the same Words that M^r Attorney
 Generall propos'd, Saving that you Transpose the word Rea-

sonable viz. According to the reasonable Laws Statutes and L. H. J. Customs of England &c instead of according to the Laws Statutes & reasonable Customs of England &c which as you now form it would leave room for the Judges to be Arbitrary what Statutes were reasonable, the thing you at first inveighed against; and as M^r Attorney propos'd it, It evidently provides against that mischief; and We hope your Honours will so farr fall into your own measures against Arbitrary Judges as to oblige us with the placing the word reasonable where it may be more agreeable to the Resolves of our house and our Constitution than as above propos'd

We are Sorry Your Hon^{rs} take that to your selves which was said of the Enemies of our protestant Constitution but we cannot help your doing so: We can only Say we meant you not, nor will our words bear such Construction if made by any that are not Jealous of our Censures

We most Earnestly desire you will perfect what you profess towards the dispatch of the busieness now before you that we may no longer wait at so vast an Expence for one Single Bill relating to officers which must drop in December if not Concurr'd with as propos'd

Sign'd p order M Jenifer Cl Lo Ho.

Sent to the Upper House by Coll^o Mackall and three others. They return and Say they delivered it. The following message is prepar'd Viz.

By the Lower House of Assembly Nov^r the 3^d 1724.
May it please Your Honours

We make it our Earnest Request to yo^r Hon^{rs} that you will give what busieness lies before you the necessary dispatch we having nothing before us nor any thing to do but to wait your Honours further motion

Sign'd p ord^r M Jenifer Cl. Lo. Ho.

Which was sent to the Upper house by M^r Dent and M^r Courts.

They return and Say they delivered it

Esq^r Hall and Coll^o Addison from the Upper House Deliver M^r Speaker the following message Viz. p. 186

By the Upper House of Assembly Nov^r the 3^d 1724
Gent.

We find by severall of your Messages & especially by that of this day by Col^o Mackall and three others in Answer to ours

L. H. J. last night by Col^o Holland and Col^o Young that instead of Carrying on an Amicable Correspondency between the two Houses by messages in order to Cultivate a Good understanding and dispatch the publick Busieness you turn every thing into Banter and Ridicule a method of proceeding unbecoming that Gravity and wisdom which ought to be a Rule to every part of a Legislature, which method if pursued must necessarily prolong this Sessions of Assembly, Create most unhappy misunderstandings between the two Houses & impose a very Great Charge on our Country, to avoid which on our parts we shall wave all those indecent Reflections you have most unjustly cast upon us in your last message above mencōned, & confine ourselves to the busieness now before us. In order thereto, we insist that the word Reasonable, as it stands in the oath propos'd by our House or Some such Expression is highly necessary; otherwise, the Judges would have no Discretionary Liberty to consider what Statutes of England [are] or ought to be in force here; but would be obliged by their Oaths to Give Judgment according to the Statutes of England whether Located or otherwise, and in this opinion the Judges who are members of our house Concurr, therefore we Cannot Consent that the oath propos'd by M^r Attorney Generall should be imposed upon the Severall Judges within this province

Sign'd p order Sam^l Skippon Cl Up Ho.

In Answer whereto the following message is prepar'd Viz.

By the Lower House of Assembly, Nov^r 3^d 1724.

May it please Your Honours

We should think ourselves very Easy in the dispatch of the publick busieness and the discharge of our Duty if your Hon^{rs} were pleas'd yourselves to observe the many Good Rules you Recommend to us, nay would your Hon^{rs} but be pleas'd to observe in your message of the 22^d past by Coll^o Holland & Coll^o Young how warmly you argue against the unreasonableness of that Arbitrary power in the Judges which by your message this day by Esq^r Hall & Coll^o Addison you now Contend for, We hope you would not think it unreasonable for us to insist upon, nor again to repeat the necessity of using the form of the oath by M^r Attorney laid before you since you seem not hitherto to have taken notice of the reasons for it as they are mencōned in our former messages to wit, that the Judges being sworn to Judge according to the Laws of England and the useage of the province will be thereby obliged to Judge no other wise according to the Laws of England than is agreeable to the useage of this

Province which has always been as our Resolves Express L. H. J. it According to the Common Law & such Statutes as are not restrained by words of local Limitation in them

And if yo^r Hon^{rs} insist on the alteracōn you Propose we must declare it to o^r Countrey as an essentiall Deviation from the Indenture always hitherto used, and such an Innovation as is intirely inconsistent with the preservation of our Rights & Liberties and tending to the Subversion of our Constitution. We therefore pray yo^r Hon^{rs} not to Continue this Argum^t Longer but to Conclude this Sessions in such manner as you intend it shall appear to posterity.

Signd p order M. Jenifer Cl Lo. Ho.

Which was Sent to the Upper House by M^r Tyler & Coll^o Ward

They return and Say they delivered it.

Coll^o Ward from the Upper House delivers M^r Speaker p. 187 the following Message Viz.

By the Upper House of Assembly Nov^r 3^d 1724

Gent.

In Answer to your message of yesterday by M^r Tyler & M^r Taylor and to convince you that you are mistaken in your Construction of that paragraph in the Bill for reviving the Act for officers fees, We take leave to Represent to you a State of the Case in the manner following. The Sentence from whence the dispute arises Stood orriginally in that paragraph of the Bill in these words viz. (Be it Enacted that any person or persons residing and inhabiting in this province, being indebted in Tobacco to any merchant or other person trading or Commercing in or to this province) and then provides that such Inhabitants shall have a Liberty to pay such merchants or Traders in Hemp & Flax from whence we observe that the persons here intended to have the benefit of making paym^t in flax and Hemp are described to be Inhabitants or Residents, and the persons obliged to receive such paym^{ts} are distinguished from them by the Characters of merchants or Traders in or to this province A plain Demonstration to every man's understanding that no other persons could be affected by that Clause but Merchants or Traders: now to this our House objected by the Endorsment on the Bill that it would be a prejudice to Trade, and desired that what related to merchants might be omitted and to this in your Message in answer thereto you Consented but in the Bill when it came up Engrossed, we find the Amendment made thus, to any persons Except merchants or other persons Trading or

L. H. J. Com̄ercing in or to this province. Now if you allege that by this Clause in the Bill as it Orriginally stood, all persons as well merchants as Inhabitants were oblig'd to receive such payments, then your amendment is a plain Contradiction to it Self for you seem to Except some persons, and yet Exclude all persons before mencōned in that Clause, and this plainly shews that your House had the same understanding of the paragraph in the Bill that our House had, and therefore we again Conclude that the Interlineation of the words (persons Except) is introductive of a new provision in the Bill which before that Interlineation obliged only merchants and other Trading persons to receive flax and hemp, but as now altered by your House Excludes merchants and other Trading persons & obliges all other persons to receive flax & hemp in payment of Debts.

Thus we have plainly shewed the Truth of what we asserted in our former message relating to this Bill, but to Convince you that we have no Aversion to the thing, but to the manner of doing it, and that we are willing to Conclude this Sessions by doing any thing that may be thought necessary for the Good of the people we propose that the price of flax in that Bill be made five pounds of Tobacco p pound and the price of Hemp three pounds of Tobacco p pound with which amendment we Consent to pass it

Sign'd p order Sam^l Skippon Cl Up Ho.

Thereupon the Q^t was put whether any alteracōn shall be made in the price of hemp & Flax or not? It pass'd in the Negative.

Thereon the following message is prepar'd Viz.

By the Lower House of Assembly Nov^r 3^d 1724.
May it please Your Honours

In Answer to your Honours message this Evening by Col. Ward we desire you will be pleas'd to read the Bill and take notice of the words of the provisoe which Extend further than the parts of the Bill your Hon^{rs} mencōn in your message and provide that the Act shall not in any wise affect the publick or County Levy or forty p poll due to the Clergy which plainly shews that all the Inhabitants were intended to be affected by that Law, or that Proviso was useless.

And if you please to Compare this part of the Bill with that part of the Tobacco Law relating to the same you will there find it was the sense of the whole Legislature that by the
p. 188 like words in the Enacting part all persons were affected

as by the Proviso therein more fully appears which words if your Honours approve them better may be added to this Bill. L. H. J.

But upon the whole the Vote having been put with us whether to Recede from the Rates propos'd in the Bill it was carried in the Negative and therefore we cannot recede from it

Sign'd p order M Jenifer Cl. Lo. Ho.

Which was sent to the Upper house by M^r Bozman and M^r Hawkins

They return and Say they delivered it

The House Adjourns till to Morrow Morning nine of the Clock.

Wednesday Nov^r 4th 1724

The House meets according to Adjournment

Yesterday's proceedings are Read.

Resolved that Hemp & Flax be paid at any Landing or convenient place instead of paying at Towns according to the form^r Law

James Bowles Esq^r from the Upper House delivers M^r Speaker the following message viz.

By the Upper House of Assembly November the 4th 1724
Gentlemen.

In Answer to your message of yesterday by M^r Bozman and M^r Hawkins, We assure you that we have many times Read and considered both the Bill and the Provisoe, and the more we Read the more we admire, that you should contend for such a forced & improper Construction of them. As for your Argument drawn from the Provisoe in the Bill we think it Carrys as Little weight as those you have used to maintain Your Sense of the Clause in the Bill, for if none but merch^{ts} were mencōned in the Bill, that Provisoe would be necessary because it may often happen that merchants may have publick allowances or be intituled to some part of the forty p poll and then if the Provisoe was not made they must be obliged to take flax & hemp in payment for those publick dues.

But waving all further Debates of this kind we desire you will be pleas'd to Consider the Evil Consequences that must needs ensue if the Act for Ascertaining officers fees be Sufferr'd to Expire, for then there will be no Rule between the officers and the people, what Charges shall be made for

L. H. J. the Services done by the Severall officers, but they will be left to their own discretion to Charge what they please which will lay a foundation for endless disputes between them and the people and produce innumerable Law Suits to the great prejudice of the people and much to the advantage of the officers who will thereby increase their fees. Besides Gentlemen, we think that the price propos'd for Hemp & flax is Reasonable considering the Great Scarcity of Tobacco, and the Great price that in all Likelyhood it must bear this year, and therefore hope you will Consent to make the amendments proposd in the Bill.

Sign'd p order Sam^l Skippon Cl Up Ho.

Ordered that Samuell Young Esq^r Treasurer of the Western Shoare pay to William Beckingham, John Lomas Thos. Worsley Charles Boot fifteen Shillings Curr^t money Each to Walter Dallas one pound two Shillings & Six pence Curr^t money for making Copies of the Act for relieving the Inhabitants &c for the Publick Service and that he pay to Samuel Hepburn and Philip Playfay Ten Shillings each for Services done this Sessions, And to Thomas Bordley Esq. Twelve Shillings and Six pence Curr^t Money for half a Rream of Paper for the use of the publick.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the Journall of the Commis^{rs} appointed to view the publick Records with the following Message Viz.

By the Upper House of Assembly Nov^r 3. 1724

Gent.

p. 189 We have pursuant to your desire in your Message of the 2^d Instant Ordered our Clerk to give Esq^r Brooke one of the Com^{rs} Generall an account of your opinion of his Right to the fees of that office, and have also advised the Secretary of the same in relation to his office who answers he has unhappily been under the misfortune of only considering the first Law for Repairing the Records without Regards to the Supplementary Act to the same purpose which is the True reason that he has not yet Complied with what the said Laws Require in giving Bond for Securing the Records of that office; But that he will Imediately Comply in Entring into such Bond with Security as that Law Directs.

Sign'd p order Sam^l Skippon Cl Up Ho.

A Supplementary Bill to the Act for making Hemp & flax was Read the first and Second Times by especiall order and

past which was so Endorst. And thereupon the following L. H. J. message is prepar'd Viz.

By the Lower House of Assembly Nov^r the 4th 1724.

May it please Your Honours

In order to Shorten the further Continuance of this Sessions & to avoid any further Debates on the Bill for Reviving the Act for Limitation of officers fees &c We have Concluded to strike out the last Paragraph thereof relating to Hemp and Flax and have prepared a Supplementary Bill to the Act for encouraging the making of Hemp & flax herewith Sent instead thereof and hope the same will pass in your House.

Sign'd p order M Jenifer Cl. Lo. Ho.

Which was sent with the Bill therein mencōned to the Upper House by Cap^t Hooper & M^r Bozman.

They return and say they delivered them.

An Engrost Bill for Reviving the Act for Limitation of officers fees was read and assented to and was so Endorst and Sent to the Upper House by M^r Beale & Cap^t Harrison. They return & say they delivered it

Philemon Lloyd Esq^r from the Upper House delivers M^r Speaker the Supplementary Bill to the Act for Encouraging the making Hemp and flax thus Endorst viz.

By the Upper House of Assembly Nov^r 4th 1724

Read and will pass.

Sign'd p ord^r Sam^l Skippon Cl Up Ho.

Thereupon the same past for Engrosing.

Coll^o Tilghman from the Upper House delivers M^r Speaker the following message viz:

By the Upper House of Assembly Nov^r the 4th 1724.

Gentlemen.

We think we have Complied with our promise to you, and our duty to our Country so farr as it relates to the differrences between the people and the Sherriffs in passing the reviving Bill for officers fees, with the provisions therein made for that purpose, But your reasons in your Message of October the 30th by M^r Dashiell and M^r Young are not Sufficient to remove the Inconveniencies we apprehend from a Popular Election of Sheriffs for altho' the Charge & trouble of Electing Delegates

L. H. J. must be born with for Supporting the Rights & priviledges of the people yet there is not the same Necessity for that Charge and trouble to Elect Sheriffs in the prejudice of the Prerogative

Besides if the Laws in force to prevent the oppression of Sheriffs will be a Restraint upon them in so doing which in your Message you assert your Chief Reason for a popular Election fails and we are of opinion that the Laws heretofore and at this Sessions provided will very well Secure the people from oppression by the Sheriffs, but if notwithstanding the Sheriffs should make use of any illegall means so to do, We doubt not but his Honour the Governour upon Complaint to him made will take Care to Restrain or displace them, of whom we believe they will be as much afraid as of the people. To Conclude, If what we have before offerred nor our observation that the appointing of Sheriffs is a branch of the prerogative
p. 190 has not any weight with you, be pleas'd to take your own measures to perswade his Honour the Governour or the Chief Magistrate for the time being that the people's Electing of Sheriffs will be an Ease to the prerogative, and we shall rest Satisfied with having done our Duty in this affair

Sign'd p order Sam^l Skippon Cl Up Ho.

The Consideration whereof is referr'd till next Sessions and Resolved that an Address be then prepar'd to his Hon^r the Governour according to the Referrence of the said message.

An Engrost Supplementary Bill to the Act for Encouraging the making Hemp & flax within this province was read and assented to and was so Endorst and sent to the Upper House by M^r Dashiell & Cap^t Hooper.

They return and say they delivered it.

Coll^o Ward from the Upper House delivers M^r Speaker the Bill for the Assessm^t of the publick Levy this present year thus Endorst viz.

By the Upper House of Assembly. November the 4th 1724
Read and will pass.

Sign'd p order Sam^l Skippon, Cl. Up. Ho.

Thereupon the Same past for Engrosing.

The Bill af^d Engrost was read and assented to and was so Endorst and Sent to the Upper House by M^r Crabb & M^r Oldham

They return and say they delivered it.

James Bowles Esq^r from the Upper House delivers M^r L. H. J. Speaker the following message viz.

By the Upper House of Assembly

Novemb^r the 4th 1724

Gent.

By your message of the 2^d Instant by M^r Wright and M^r Hawkins you desire to know our Sentiments of the Resolves of your House Communicated to us in the year 1722. We therefore acquaint you that we approve of them so farr as they relate to the Constitution of this province.

Sign'd p ord^r Sam^{ll} Skippon Cl. Up. Ho.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the following message Viz.

By the Upper House of Assembly Novem^r the 4th 1724.

Gentlemen.

We are Sorry to find such a Disposition in your House to Clamour at & asperse ours, as appears in almost all your messages a fresh instance whereof you have given us in your Message of yesterday by M^r Tyler & Col^o Ward relating to the oath of a Judge wherein you represent us as persons Acting such things as tend [to] the Subversion of the Constitution; This Gentlemen, is a very heavy Charge indeed and we cannot think it otherwise designed than to Endeavour to render the Upper House of Assembly (a Part of the Legislature) odious in the Eyes of the people a practice which tends much more to the Subversion of our Constitution than anything you can Justly Charge us with, and to avoid which we are obliged to Protest and declare that according to the best of our knowledge and Ability we always have, and always will Endeavour to Support our Constitution with a Just Regard to the Prerogative and the Liberties and priviledges of the Good people of this province

But in order to Reconcile the Difference between our House and yours if possible; We propose the following

That instead of the Clause (according to the Laws Statutes & reasonable Customs of England and the Acts of Assembly & usage of the Province of Maryland) This Clause be inserted in the Oath (according to the Laws Statutes & reasonable Customs of England and the Acts of Assembly Usages & Constitution of this province) with which if your House Concurrns the alteracōn may be made accordingly

Sign'd p order Sam^{ll} Skippon Cl Up. Ho.

L. H. J. With which this House Concurr's and thereupon the following
p. 191 message is prepar'd Viz.

By the Lower House of Assembly Nov^r the 4th 1724

May it please yo^r Honours

We Concurr with the form of the Oath propos'd by yo^r Hono^{rs} message by M^r Tasker and desire that the alteracōn may be made accordingly.

Sign'd p ord^r M. Jenifer Cl Lo. Ho.

Which was sent to the Upper House by Col^o Mackall and Coll^o Ward, and they are Ordered to acquaint his Honour the Governour that nothing of publick busieness remains before this House unfinished.

They return and say they delivered their message.

Coll^o Young from the Upper House acquaints M^r Speaker that his Honour the Governo^r requires him and the whole house to attend him Imediately in the Upper House, and withdrew.

Thereupon M^r Speaker with the whole House goes to the Upper House where his Honour the Governour was pleas'd to Enact the Severall Engrost Bills following (being assented to by both Houses) into Laws by sealing them with the Right Hon^{ble} the Lord Prop^{rys} Great Seale of this Province and Severally thus Endorsing them viz.

On behalf of the Right Hon^{ble} the Lord Proprietary of this province I will this be a Law.

Cha: Calvert

N^o 3. An Engrost Bill for the relief of such persons as have been Convicted on any breach of the Act of Assembly for preventing the making Trashy Tobacco, and bettering the Staple of this province and the Explanatory Act thereof unheard, or have Suffered by the misconstruction of the s^d Laws.

4. An Engrost Bill to cut off the intail of a Certain Tract of Land called Billingsley's point and to Enable Jn^o Jordan to make Sale of the same.

5. An Engrost Bill Investing an Estate of Inheritance in fee simple of a Tract of Land called Little Bohemia or Bohemia middle neck in Ephraim Aug^t Herman of Cecil County Gent and his heirs for ever and to cutt off the intail thereof and to make Good and Valid any Sale thereof to be made by the said Herman or his heirs afores^d

6. An Engrost Bill declaring what Estate Gabriel Parker & Ann his wife John Abbington & Mary his wife William Hutcheson, and Will^m Pile and Elizabeth his wife have in the Lands Severally devis'd them by William Hutcheson Gent Deceased. L. H. J.

7. A Supplementary Engrost Bill to the Act for Relief of Debtors and Ascertaining the manner of Tenders in Tobacco.

8. An Engrost Bill to confirm unto William Anderson of Ann Arundell County a Certain Tract of Land herein after mencon'd

9. An Engrost Bill for the Naturalization of John Sweenyard of Baltimore County planter

10. An Engrost Bill for confirming a Certain Deed of Settlement made by Robert Proctor of Certain Lands and Tenements therein mentioned to his then wife Rachel now called Rachel Freeborn and to invest the said Rachell with other Lands in pursuance of one Deed of Gift or Settlement.

11. An Engrost Bill Repealing part of an Act Intituled an Act laying an Imposition on Negroes & Severall Sorts of Liquors Imported and also on Irish Servants to prevent the Importing of too great a Number of Irish Papists into this province.

12. An Engrost Bill for Relief of Sundry Languishing prisoners therein mentioned. p. 192

13. An Engrost Bill to Enable John Cheney and Mary his Wife to Sell in ffee Simple Three hundred acres part of a Tract of Land called Waterford notwithstanding the same is Specially intail'd on the heirs of the body of the said Mary by Benjamin Williams of Ann Arundell County.

14. An Engrost Supplementary Bill to the Act Intituled an Act for the marking highways and making the heads of Rivers Creeks branches & Swamps passable for Horse and foot

15. An Engrost Bill for the Relief of the Devises of James Phillips the Elder and Anthony Phillips late of Baltimore County decēd

16. An Engrost Bill for Erecting a Town at Joppa in Baltimore County and for Securing the Lands where on the Court House and prisons are built to the use of the said County.

17. An Engrost Supplementary Bill to the Act Intituled an Act for the Tryall of all Facts in the Counties where they have arisen or shall arise the Continuance of Causes in the Provinciall Court and Adjournment of that Court.

18. An Engrost Bill for Explaining a paragraph of the Supplementary Act Intituled an Act Directing the manner of Electing and Summoning Delegates.

L. H. J. 19. An Engrost Bill Relieving the Inhabitants of this province from some Difficulties they may lie under in paying their Levies and other Just Tobacco Debts this present year

20. An Engrost Bill for the relief of Thomas Dent of Charles County, Gent.

21. An Engrost Bill Reviving and Continuing the Act for Limitation of officers fees and for Supplying some defects therein and for amendment thereof in some particulars and restraining some ill practices of Sheriffs

22. An Engrost Supplementary Bill to the Act for Encouraging the making Hemp & Flax within this Province.

23. An Engrost Bill for the payment and assessment of the publick Charge of this province for this present year one Thousand Seven hundred and Twenty four.

Afterwards his Honour the Governour was pleas'd to prorogue this present Generall Assembly in the following words viz.

Gentlemen of the Upper and Lower Houses of Assembly

This Sessions being Concluded it remains only that I prorogue you, which I hereby do with the Advice of his L^{pps} Council to the Sixteenth day of february being the third Tuesday of the said month and you are required to take notice that you are accordingly so Prorogued.

Charles Calvert

M^r Speaker with the whole House return to their own House where M^r Speaker Resumes the Chair and Reports that his Honour the Governour had thought fit with the advice of his L^{pps} Council of State within this province to prorogue this present Generall Assembly to the Sixteenth day of February next being the Third Tuesday in the said month.

To which Time this House accordingly prorogued [itself]

So Endeth this present Sessions of Assembly this 4th day of November in the ninth year of the Dominion of the Honourable Charles Lord Baron of Baltemore &c Over this Province Annoq Domini 1724

Test M Jenifer Cl. Lo: Ho.

ACTS.¹

At a Session of Assembly begun and held at the City of Annapolis on Tuesday the 6th Day of October, and ended the 4th Day of November, in the 10th Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Annoq; Domini 1724; were Enacted the following Laws, viz.

Bacon's
Laws

A Supplementary Act to the Act, entitled, An Act for the Relief of Debtors, and ascertaining the Manner of Tenders in Tobacco. Chap. VI

Forasmuch as the Time limited by the said Act for tendering Tobacco, is so short, that honest Debtors intended to be relieved thereby, have not the Benefit that was intended them by the Assembly: And for that many of the Inhabitants of this Province have complained that several Sheriffs have refused good merchantable Tobacco, for Public and other Dues, and Officers Fees, with Intent to extort great Prices in Money from the Debtors, or make some other unjust Profit to themselves;

II. Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Debtors tendering Tobacco at any Time between the First Day of November, and the Last Day of May yearly, shall have the same Privileges, Benefits and Advantages as they might have had by virtue of the said recited Act, in case of Tenders between the First Day of November and the Last of March yearly, any Limitation therein contained to the contrary notwithstanding.

III. Provided always, That the Creditor shall not be obliged to receive Tobacco of less Weights, or worse Quality, than the Debtor hath contracted to pay; any thing in this, or the said recited Act to the contrary notwithstanding.

IV. And be it Enacted, That Tobacco to be paid to the

¹The original record, L. L. Liber No. 5, having been lost, the text of the following Public General Acts is taken from Bacon's compilation of the *Laws of Maryland at Large*, in force in 1765.

Bacon Sheriff, in discharge of Public and other Dues and Fees, shall and may be viewed and examined, as the said recited Act directs Tobacco to discharge other Debts to be viewed and examined; and that where any Person hath good merchantable Tobacco in Hogsheads, (or in Parcels, if the Debt be but a Parcel) ready to pay the Sheriff, and tenders the same, and that notwithstanding such Tender, the Sheriff shall take the Party tendering such Tobacco to be viewed, or allowing a reasonable Time for such View, not to exceed Ten Days, that in all such Cases, the Sheriff shall not only have no Fees, but also be liable to an Action of False Imprisonment, or Trespass, and pay double Damages and Cost of Suit to the Party grieved; any Law, Usage, or Custom to the contrary notwithstanding.

Chap. X An Act repealing Part of an Act, entitled, An Act laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province.

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Part of the said Act imposing Nine-pence per Gallon on Rum, Spirits, Wine and Brandy, to be imported from Pensilvania, and the Territories thereto belonging, by Land, shall be utterly repealed and made void.

II. Provided always, That nothing in this Act shall extend, or be construed to extend, to exempt Persons bringing any of the said Liquors from Pensilvania by Land, from paying the Duty of Three-pence per Gallon for the same, which Duty shall be, and is hereby declared, to be still due and payable, subject to the same Discounts and Allowances with the Duty on any of the said Liquors imported from other Places; any thing in this or any other Law to the contrary notwithstanding.

Chap. XIV A Supplementary Act to the Act, entitled, An Act for the Marking of Highways, and making the Heads of Rivers, Creeks, Branches, and Swamps, passable for Horse and Foot.

Whereas it is represented to this present General Assembly, That the several Bridges that have been heretofore made over the Heads of Rivers, Creeks, Branches, Swamps, and other low and miry Places, are very much broken and out of Repair,

and Several new Bridges are still wanting; and that it is the Bacon
 general Complaint of the Overseers of the Highways, that they
 are rendered uncapable of Repairing the old, or Making new
 ones, being forwarned by the Owners of the adjacent Lands
 from cutting any Trees necessary for such Repairing or Mak-
 ing of Bridges,

II. Be it therefore Enacted, by the Right Honourable the
 Lord Proprietary, by and with the Advice and Consent of
 his Lordship's Governor, and the Upper and Lower Houses
 of Assembly, and the Authority of the same, That from and
 after the End of this present Session of Assembly, it shall
 and may be lawful for the several and respective Overseers
 of the Highways within this Province, and they are hereby
 impowered, as often as Need shall require, for repairing and
 making of Bridges over the Heads of Rivers, Creeks,
 Branches, Swamps, or other low and miry Places, to cut down,
 or cause to be cut down, any Tree or Trees, growing on any
 of the next adjacent Lands to such Bridges necessary to be
 made or repaired, and the same Trees to maul or cause to be
 mauled, and carried from off such adjacent Lands, and
 applied to the Making and necessary Repairs of such Bridges
 as aforesaid.

III. Provided always, That the Trees allowed to be cut
 down, in Manner and for the Use aforesaid, be not such as are
 fit to make Clapboards, or Cooper's Timber; nor for the
 Building or Repairing any Bridges that are built or main-
 tained at a Public or County Charge.

An Act for explaining a Paragraph of the Supplementary Chap.
XVIII
 Act to the Act, entitled, An Act directing the Manner of
 Electing and Summoning Delegates.

Whereas in the Supplementary Act to the Act directing the
 Manner of Electing and Summoning Delegates and Repre-
 sentatives to serve in succeeding Assemblies, it is Provided,
 That nothing in that Act should be construed to debar or hin-
 der any of the People called, and generally reputed, Quakers,
 from their Votes in Election, they being otherwise duly quali-
 fied, some Questions have arose thereon, Whether Quakers
 are intended to be otherwise exempt thereby from all Ques-
 tions concerning their Fidelity to the Government, than by
 allowing them the Liberty of taking their Affirmation to his
 Majesty's Government prescribed by Law, instead of the
 Oaths, as is now used in England: For declaring thereof,

II. Be it Enacted by the Right Honourable the Lord Pro-
 prietor, by and with the Advice and Consent of his Lordship's
 Governor, and the Upper and Lower Houses of Assembly, and

Bacon the Authority of the same, That in all Cases where any the good People of this Province are obliged or required to take the Oaths to his Majesty's Government, the Quakers be likewise obliged to take their Affirmation in the like Cases as allowed and prescribed by Law, instead of such Oaths; any Construction of the aforementioned Proviso to the contrary notwithstanding.

Chap. XXI An Act reviving and continuing the Act for Limitation of Officers Fees, and for Supplying some Defects therein: And for Amendment thereof in some Particulars, and restraining some ill Practices of Sheriffs.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly made at a Session of Assembly begun and held at the City of Annapolis, the Twenty-third Day of September, Anno Domini Seventeen Hundred and Twenty-three, entitled, An Act reviving and continuing an Act, entitled, An Act for Limitation of Officers Fees, and supplying some Defects therein, be, and is hereby revived and continued to be and remain in Force from and after the Twenty-fifth Day of September next, for and until the Twenty-fifth Day of December, which shall be in the Year of our Lord Seventeen Hundred and Twenty-five, and no longer.

II. And for that several Complaints have been made to this Assembly, That several Sheriffs, merely to increase Fees to themselves, have executed several Persons for Public and County Levies, and Officers Fees, and charged Execution Fees thereon, when they might have received their Dues without such Execution; although they have and are allowed a large Commission for collecting the same: And for that the Power of Execution ought not to be used in Oppression of the People, but only to enable the Sheriff to get in and collect the Public Dues and Officers Fees with the greater Facility: And for that Persons whose Goods are taken in Execution for Officers Fees, are not expressly provided for by the Act to restrain the ill Practice used by Sheriffs, in taking Goods by Fieri facias, and selling them by Venditioni exponas, although within the Reason and Intent thereof; which Omission gives the Sheriffs frequent Opportunities of Oppressing many of the poorer Sort of People: For Prevention of which Inconveniency and Evils, Be it Enacted and Declared, That no Sheriff shall be allowed any Fee or Reward, for executing for any Public or County Levies, or any other Public Dues or Officers Fees. And if the Sheriff shall transgress this Act,

he shall be liable to the same Pains, Penalties and Forfeitures, Bacon
that Officers are liable to by the Laws in Force, for taking
more Fees than are allowed; any Usage or Custom to the con-
trary notwithstanding.

III. And be it further Enacted and Declared, That where
any Sheriff shall take any Goods in Execution for Officers
Fees, such Sheriff shall proceed in the same Manner as the
Act, entitled, An Act to restrain the ill Practice used by Sher-
iffs in taking Goods by Fieri facias, and selling them by Ven-
ditioni exponas, directs, in case of Goods taken by virtue of a
Fieri facias; any Law, Usage or Custom to the contrary not-
withstanding.

IV. And for that several Persons having Tobacco in the
Sheriffs Hands, and drawing Notes for the same, sundry
Sheriffs frequently refuse to pay or discount the Contents
of such Notes, without an Allowance of Ten per Cent, or some
other Allowance, as a Reward for paying or discounting their
own just Debts, to the great Prejudice of the Public Credit,
and of several private Persons; Be it therefore Enacted, That
the several Sheriffs within this Province, shall be obliged to
discount any Debts due from them, or any of them, to any of
the Inhabitants of this Province, out of any Public or County
Levies, Public Dues or Officers Fees, and to allow and discount
the Contents of any Note that shall be drawn, payable or
indorsed to any Person being indebted to the Sheriffs on any
of the Accounts already mentioned, so far as they shall owe
the Drawer of such Note, without any Deduction or Al-
lowance for such Discount, on Pain of forfeiting Two Thou-
sand Pounds of Tobacco for every Offence, one Half thereof
to the Lord Proprietary, for the Use of Public Schools, where
the Offence shall be committed, the other Half to the Party
grieved, or other Person that will sue for the same; to be
recovered by Action of Debt, Bill, Plaint or Information,
wherein no Essoin, Protection or Wager of Law shall be
allowed.

V. Provided always, That the Sheriff shall not be obliged
to discount a Parcel so as to break an entire Hogshead, except
where the Parcel shall be due immediately from the Sheriff
to the Debtor; any thing in this Act to the contrary notwith-
standing.

A Supplementary Act to the Act for encouraging the Making Chap. XXII
Hemp and Flax within this Province.

Whereas by the before recited Act, which was made in the
Year Seventeen Hundred and Six, all Persons claiming Bene-
fit thereby, were obliged to tender to their Creditors their

Bacon Hemp and Flax in some Port or Town within this Province, there being at the Time of making the said recited Act, several Towns in every County within this Province: But forasmuch as there are now but few Towns or Ports within this Province, so that by the before recited Act, as it now stands, sundry Inhabitants of several Counties, for want of Towns and Ports, can have no Benefit thereof: To prevent which, and that all Persons may reap the Benefit intended them by the before recited Act,

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Persons hereafter tendering Hemp and Flax to their Creditors, at the Creditors own Dwelling-Houses, or at the Dwelling-house of the Creditor's Receiver, in case the Creditors do not reside in the same County with their Debtors, shall have the same Benefit and Advantage of the afore-recited Act, as if they had tendered the same to their Creditors in some Port or Town within this Province, according to the Directions of the afore-recited Act; any thing in the said recited Act to the contrary thereof in any wise notwithstanding.

III. Provided, That nothing in this Act shall affect the Public or County Levy, or Forty per Poll due to the Clergy of this Province; any thing in this or the before recited Act to the contrary notwithstanding.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis October 6–November 6, 1725.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

Att a Session of Assembly begun and held by Prorogation at the City of Annapolis in the said Province of Maryland on Wednesday the sixth day of October In the Eleventh year of the Reign of our Sovereign Lord King George in the Tenth of his Lordship the Lord Proprietarys Dominion &c^a Annoq Dom 1725.

U. H. J.
Calvert
Papers
(725)
P. 1

Present

The Hono^{ble} Charles Calvert Esq^r Governour

The Hono ^{ble}	}	Col ^o William Holland	Members of the	
		John Hall Esq ^r		Upper House
		Col ^o Thomas Addison		
		James Bowles Esq ^r		
		Philip Lee Esq ^r		
Benjamin Tasker Esq ^r				

M^r Ralph Crabb and Robert King from the Lower House Acquaint his Hon^r the Governour that there are a Sufficient number of Members met to make a House and wait his Hon^r Commands

Thereupon Coll William Holland and Addison are sent down to the Lower House to Administer the several Oaths to the Government appointed to be taken by Act of Assembly to the several Members of that House and Ordered that the Clerk of this House attend them.

They Return and say that they Administred the said Oaths to the several members then present, being Thirty four in number and that they all Severally Subscribed the Oaths of Abjuration and Test.

John Hall Esq^r is sent down by his Hon^r the Governor to acquaint the Lower House that his Hon^r requires their attendance in the Councill Room Imediately. Who returns and says he Delivered the Message

Whereupon the whole House attend on his Hon^r and he requires them to return to their own House and make Choice of a Speaker

M^r Mackall and M^r Courts from the Lower House acquaint his Hon^r that their House had made Choice of a Speaker

Whereupon James Bowles and Philip Lee Esq^r are ordered to goe and Acquaint the Lower House that his Hon^r requires

U. H. J. them to Attend him in the Councill Chamber and present their Speaker for his approbation.

They Return and say they have Delivered their Message

The whole House accordingly attend and present Robert Ungle Esq^r for their Speaker with which Choice his Hon^r declares himself well pleased.

Whereupon His Hon^r the Governour Delivers himself to them as follows viz.

Gentlemen. His Lordship the Lord Proprietary directed me to Communicate his Speech to you which you are to take as from his own mouth.

Gentlemen of the Upper and Lower Houses of Assembly

C. Baltimore As I have always Declared the publick good of my Province should be the Rule of my Government the Good Effects whereof I Perswade myself you have found some Instances of since I came to my Dominion over you, so I am Determined ever to Persist in the same Resolution notwithstanding any late Expressions of mine, or mistaken Constructions put on them.

p. 3 Gentlemen of the Lower House

That the People of Maryland are his Maj^{ties} Subjects, I never yet heard any one so wild to deny, and cannot find out from any thing in my Instruction set forth in your Address which could Induce you to take so much Pains to prove it, any more than I can see a foundation for Your Resolutions concerning his Maj^{ties} Title to this Province; under whom by Vertue of my charter I hold, within the Bounds whereof I shall always Rule;

No Doubt Gentlemen as you observe, we of Maryland are in the Circumstances of Conquerors, rather than the Conquer'd which has put it in our power to treat the native Indians with that Tenderness & Humanity, they have so often met with, Actions worthy Englishmen and Real Conquerors

Many Debates, if I am rightly Informed have been in former Assemblys whether the Statutes of England did Extend to you or no, without either House coming to Resolutions thereon, and the most Common received opinions of the best Lawyers of England have been against it, and several Adjudged Cases Support those Opinions as in particular the Habeas Corpus Act has been often Adjudged by all the Judges not to extend either to Ireland or the Plantations; which is as Strong A Case as can be mentioned as it is in favour of

Liberty and the Terms of the Act as Generall as can be. If the Statute of the 5th of Elizabeth about Servants were to Extend to the Plantations, it would be Destructive to the very being and Constitution of them The same may be Observed of the Statutes of Usury, and that to prevent frauds and perjurys and many others, which have been Expressly & often held not to Extend to the Plantations when doubted either in the Courts of Law or before the King in Councill and yet these are Generall Laws of equal Obligation with any other Law or Statute whatever. U. H. J.

I Think it needless to mention any other Cases unless it be that of Blankard and Galdy and little thought to find a position Introduced with that Solemnity, to be only the saying of a Single Councill, on one Side the Question, in opposition to the Averment of the Councill on the other side; and Contrary to the Resolution of the Judges in that very Case viz. p. 4

That Jamaica was not Bound by our Laws unless particularly mentioned therein, But by their own particular Laws and Customs.

The full Power I have with the Advice Assent and Approbation of the ffreemen of the Province, or their Delegates to Enact any Laws whatever appertaining either to the Publick State of the Province, or the private Utility of particular Persons so they be Agreeable to Reason and not Repugnant or Contrary, But as near as Conveniently may be Agreeable to the Laws, Statutes Customs and Rights of England, as is most fully set forth in my Charter has put in our hands such Ample power of making Laws proper for our Infant Condition, and different Tenures of Maryland, that you will find it, I Believe your Happiness if the Statutes of England not Expressly located thither, are not in the Gross in force amongst you: and that your Resolutions have not force till Enacted into Laws of your own making with my Assent However Precarious you Gentlemen, who are fond of the Expression may Esteem your Condition; Tis the Condition I think I may use the Expression, tis the Happy Condition the Crown by my Charter has thought fit to Place you under and you by your Residence in Maryland ought quietly to submit to. Your Predecessors have been thus fortunately Govern'd and flourish'd and I trust that your Successors will have no Cause to Complain.

Gentlemen of the Upper and Lower Houses

I cannot but observe to you at this time what his most Gracious Maj^{tye} has been pleased to do in relation to the English Statutes taking place in the plantations in a particular p. 5

U. H. J. Case of Jamaica where An Act was lately made Entituled An Act for making his Maj^{ties} Revenue perpetual & Augmenting the same, and Continuing and Declaring what Laws are in force in this Island.

This Act his Maj^{tye} with the Advice of his Council has been pleased to Disallow after due Deliberation and References had and Reports made thereon, By the Lords Com̄missioners of his Maj^{ties} Treasury by the Lords Commissioners of Trade and Plantations and by his Maj^{ties} Attorney and Sollicitor Generall recommending the said Act, tho' in many parts of it highly necessary, as not proper to be allowed of, For that amongst many other Reasons set forth in the said Reports the said Act might possibly Introduce the whole Body of the English Laws to become Laws of Jamaica in Cases not particularly provided for by Laws of their own which in many Cases were by no means Competent but might do great Mischief and be attended with many Inconveniencies both to his Maj^{ties} Government in that Island and to the Estates and Com̄merce of his Maj^{ties} Subjects there.

Here Gentlemen you may perceive a Law after mature Consideration (many parts of it Agreed to be highly necessary and Convenient) Disallow'd of Because in one part of it the English Statutes are made to Operate in that part of his Maj^{ties} Plantations called Jamaica: which Proceeding does not at all seem to Support some late Resolutions Address'd to me, setting forth among other things that such General Statutes of England, as are not restrained by Words of local Limitation, are in force in Maryland another part of his Plantations
 p. 6 Were they in force what need to make Laws to Establish them, as in the Case before you of Jamaica, The Disallowance of which Act, with the Reasons given for it, shews plainly that it is not thought proper to suffer them to be Introduced as not Competent but Mischievous in many Cases and the Attempting to make the Act shews as plainly that they are not look'd on as Laws of that Country without a Law of their own to Enforce them.

I must take notice indeed at the same time that this Act was represented to his Majesty as not proper for his Allowance, it was Recommended to him, that if any of the particular Statutes of England Should they be look'd on as necessary, and Convenient for them, and His Majesty should think them reasonable, that he would be pleased to Allow them to be Introduced by a Law of their own making: and in this particular I Esteem my self very fortunate it being so Agreeable to that part of my Instruction set forth in your Address, Gentlemen of the Lower House where I recomend, that

when any of the English Statute Laws are found Convenient U. H. J. and well adapted to your Circumstances you ought specially to Enact them de novo, or such part of them as you think proper for you: and happy would it be for you all to Conduct Yourselves accordingly.

What Laws Rules Customs and Usages are Undoubted certain, constantly adhered to and known among you, far be it from me to Attempt to Alter but for the Comon good at your own request in Generall Assembly legally Convened any more than I will Submit any Alteration to be made, by the opinions or Resolutions of others.

In all your Debates let me recommend to you Gentlemen of both Houses, Temper, Moderation and good will towards one another of which I perceive from your late Journalls p. 7 something was wanting, in the Dispute relating to the Allowances due to the Councill of State; A Body of Men Chose out of the Ablest & Worthyest amongst you, to serve the publick, and as such have found their Reward from the Countrey, long before, and since the Act of Assembly, by which the Twelve pence p hogshead was raised towards the maintaining the Dignity and Station of my Lieutenant Governour, and for such other uses as to me should seem meet; At the making of which Act it was not so much as Surmised, that their Support should come from me, and had it been Expressed I would have Dissented thereto: I know what I part with by that Act as well as what I receive from it, yet am Contented with it, since for the Common good I have allowed it, and hope I shall not be drove by the Mistaken good husbandry of some to look so far into my own Interest, as to shew Them their mistake for fear of hurting others, whom they represent, The good People of Maryland, whose Welfare and Interest I have so much at heart.

C. B.

After which his Hon^r the Governour was pleased to speak to the Gentlemen of the Upper and Lower Houses as follows

Gentlemen of both Houses of Assembly.

I am heartily Sorry his Lordships Speech did not come to my hands sooner; Because I am perswaded, it must have prevented all those Disputes about the Statutes of England and the Great Expence those Disputes have Cost the Countrey.

It is very certain that many of those Statutes, not restrained by words of Locall Limitation, would be prejudiciall to us were they to take place here, some of which his Lordship

- U. H. J. has mentioned. On the other hand many of those generall Statutes, would be of great Use and Benefit to us. The
- p. 8 Question is how we shall make use of those that are proper for us, and Reject such as are Inconvenient. It may be said the Judges of the several Courts are to Distinguish such Statutes as are proper, such as are otherwise, and judge accordingly; This indeed has been the practice since the settling of the province, and this method has been Generally Approved of; till lately it was proposed the Judges Hands should be Tyed by an Oath, to Judge according [to] the Statutes of England, without any Exception; so that if a Gentleman Practitioner of the Law finds it for the Benefit of his Clyent (to whose Interest he is sworn) to plead any Statute thô never so inconsistent with the Conveniency of the Countrey, he may Demand Judgment from the Judge according to the Oath proposed to be taken. Of what Benefit is our Charter which gives us liberty to Enact such Laws as are Convenient for the Countrey if we must be tyed down by such Statutes as are Inconvenient and were never designed for us; for it would be madness to suppose the Parliament of England has the Plantations in View when they pass an Act, without they are particularly mentioned.

Gentlemen

It is proper we should come to a Certainty in relation to such Statutes as are for our Benefit, and such as are not; and I can think of no better Expedient, than for a Committee of both Houses to make a Collection of them and to reject such as are Inconvenient for us, and Reenact such as are Suited to our Constitution in which I shall heartily Concurr.

- I cannot help Recommending to your Consideracon an Affair which may be attended with ill Consequences to the Country if not timely prevented; some of our Runaway negroes are harboured among the Shuano Indians on Potomack River I did with the advice of the Councill Engage one
- p. 9 of the Magistrates of Prince Georges County to give the Chief of those Indians An Invitation to meet me at Monokosey in order to settle a Treaty with them to prevent the loss of any more of Our Slaves, as well as to regain those Already there; Upon the Indians promise to the Gentleman that went to them, that they would meet me I went as far as the Mountains with some of the Councill, and several other Gentlemen But tho we stay'd beyond the appointed time, the Indians for what reason I cannot tell never came; we then thought it proper to send a Messenger, to know their reason for not coming, and he brought me answer from them that they would

certainly come to Annapolis during the Assemblys sitting, U. H. J.
so that there will be an Opportunity of Concerting such
measures as may prevent the Evil Complain'd of for the
future.

As I have had occasion to mention the Councill in this
Transaction; I cannot but think those Gentlemen deserve their
Usual Allowance, in attending the Publick business, and were
the Case put to any man as his own, I believe he must be of
the same opinion.

Gentlemen.

I shall Conclude with Recommending the necessary dis-
patch to the publick Affairs, as well as Temper and Moderation
in your Debates for as nothing can Conduce more to the well
being of a People, than good will towards one another; so
nothing can be more destructive, to the publick welfare than
unreasonable Jarring and Violent Passions.

Cha: Calvert

Thereupon M^r Speaker and the whole House withdrew

M^r Crabb and M^r Hooper acquaint this House that their
House had made Choice of Michael Jenifer Gentleman for
their Clark and present him to be Quallified.

Whereupon the said Michael Jenifer takes the several p. 10
Oaths to the Government appointed by Law and likewise Sub-
scribes the Oath of Abjuration and Test And Withdraws.

M^r Malden and M^r Johnson acquaint this House that they
attend with Coll John Ward a Member Elected for Cecill
County to see him Qualified.

Whereupon the said John Ward takes the several Oaths
appointed by Act of Assembly and Subscribes the Oath of
Abjuration and Test according to the direction of the said
Act and thereupon they withdrew.

M^r Warfield and M^r Dashiell from the Lower House de-
liver Col^o Holland the following Message.

By the Lower House of Assembly October 6th 1725
May it please Your Honours

This House in Order to Dispatch publick business as much
as in them lyes have Entred a Resolve to sit from nine of the
Clock in the forenoon till four of the Clock in the Afternoon
and desire to know whether the times proposed be Agreeable
to your Honours

Signed p Order. M. Jenifer Cl Lo. Ho.

This House Adjourns till to Morrow Morning Eight Clock

U. H. J. Thursday Morning October the 7th 1725

The House meet According to Adjournment

Present

The Hono ^{ble}	{	Col ^o William Holland	James Bowles	} Esq ^{rs}
		John Hall Esq ^r	John Rousby	
		Col Thomas Addison	Benj. Tasker	
		Col ^o Richard Tilghman	Philip Lee	

Members of the Upper House.

p. 11 Resolved that the following Message be prepared in Answer to the message from the Lower House yesterday by M^r Warfield and M^r Dashiell viz.

By the Upper House of Assembly October the 7th 1725
Gentlemen.

We Concurr with your House as to the times of Sitting proposed in your Message yesterday by M^r Warfield and M^r Dashiell

Signed p Order Geo: Plater Cl. Up Ho.

Sent to the Lower House by John Hall Esq^r who returns and says he Delivered the same

M^r Dashiell and M^r Waughop from the Lower House acquaint this House that they Attend with M^r James Harris M^r Simon Willmer M^r Marmaduke Tilden members Elected for Kent County M^r John Rider a Member Elected for Dorsett County and M^r William Elliott a Member elected for Queen Anns County in order to see them Qualified.

Whereupon the said M^r Harris, Wilmer, Tilden, Rider and Elliott take the several Oaths to the Government appointed by Act of Assembly and Severally Subscribe the Oath of Abjuration and Test according to the Directions of the said Act and thereupon they withdrew.

The Petition of Daniel Carter of Ann Arundell County being read is ordered to be thus Endorsed viz.

By the Upper House of Assembly October the 7th 1725

The within Petition being read is referred to the Consideration of the Lower House of Assembly

Signed p Order George Plater Cl Up Ho.

p. 12 Sent down to the Lower House by Coll^o Addison who returns & says he Delivered it.

M^r Courts and M^r Pritchett from the Lower House attend U. H. J. with M^r Edward Wright M^r Solomon Wright and M^r John Chairs Members elected for Queen Anns County in order to see them Qualified.

Whereupon the said M^r Edward Wright Solomon Wright & John Chairs take the several Oaths to the Governm^t Appointed to be taken by Act of Assembly and severally subscribe the Oath of Abjuration and Test according to the direccon of the said Act and withdraw

This House Adjourns till to morrow morning eight of the Clock.

Friday Morning Oct^r 8th 1725

Met again According to Adjournment.

Psent

The honble	{	Col ^o William Holland	James Bowles	}	Members of the Upper House.
		John Hall Esq ^r	John Rousby		
		Col ^o Thomas Addison	Benj ^a Tasker Esq ^r		
		Col ^o Richard Tilghman	Philip Lee		

The Petition of Alexander Contee being read and the Proofs of the Allegations therein Examined, it is Ordered to be thus Endorsed

By the Upper House of Assembly October the 8. 1725

Upon reading the petition and the proofs of the several Allegations therein mentioned & herewith sent it is Recommended to the Consideration of the Lower House

p. 13

Signed p order Geo Plater Cl Up Ho.

Sent by Col^o Richard Tilghman who returns and says he Delivered it

The Petitions of Edward Cox and Evan Jones two languishing Prisoners in Baltemore County Goal being read are Ordered to be thus severally Endorsed viz

By the Upper House of Assembly Octo the 8th 1725

The within Petition being read is referred to the Consideration of the Lower House.

Signed p Order Geo. Plater Cl. Up. Ho.

Sent to the Lower House by James Bowles Esq^r who returns & says he Delivered them.

U. H. J. The Petitions of James Moore of Baltemore County and the Inhabitants of Choptank Parish in Dorchester County being Read are ordered to be thus Endorsed severally viz.

By the Upper House of Assembly October the 8th 1725

The within Petition being read is referred to the Consideration of the Lower House.

Signed p Order Geo. Plater Cl Up Ho:

Sent down by Philip Lee Esq^r, who returns and says he Delivered them.

The Petition of Josias Sunderland of Calvert County being read is Ordered to be thus Endorsed viz.

By the Upper House of Assembly October the 8th 1725

p. 14 The within Petition being read is referred to the Consideration of the Lower House

Signed p Order Geo Plater Clk Up Ho.

Sent by John Hall Esq^r who returns and says he Delivered it.

The Petition of George Nation, William Wafford and Richard White three languishing Prisoners in Prince Georges County Goal being read are Ordered to be thus severally Endorsed viz.

By the Upper House of Assembly Octo the 8th 1725

The within Petition being read is Referred to the Consideration of the Lower House.

Signed p Order Geo Plater Cl Up Ho.

Sent down by Coll^o Addison who returns and says he delivered them

This House Adjourn till to Morrow Morning Eight of the Clock.

Saturday morning Octo the 9th 1725

Meet Again according to Adjournment

Present as yesterday.

The Petition of James Christee a languishing Prisoner in Cecill County Goal and the Petition of John Smith High

Sheriff of the said County being read are ordered to be U. H. J. severally thus Endorsed Viz.

By the Upper House of Assembly Oct^r 9th 1725

The within petition being read is referred to the consideration of the Lower House

Signed p Order Geo Plater Cl Up Ho.

Sent down by Col^o Tilghman who returns and says he delivered the same

The Petition of the Inhabitants on the South side of Patapscoe being read is ordered to be thus Endorsed Viz.

By the Upper House of Assembly Oct^r the 9th 1725

The within petition being read is Recommended to the Consideration of the Lower House

Signed p Order Geo Plater Cl Up Ho.

Sent down by James Bowles Esq^r who returns and says he Delivered it.

This House Adjourns till Monday Morning Eight of the Clock.

Monday Morning Octo^r the 11th 1725

Met again according to Adjournment

Present

The hon ^{ble}	{	Col ^o William Holland	James Bowles Esq ^r	} Members of the Upper House
		John Hall Esq ^r	John Rousby Esq ^r	
		Col ^o Tho Addison	Benja Tasker Esq ^r	
		Phill ^a Lloyd Esq ^r	Philip Lee Esq ^r	
		Col ^o Rich ^d Tilghman		

The Petition of Michael Ury of Prince Georges County Planter a Greek being read is Ordered to be thus Endorsed viz.

By the Upper House of Assembly October the 11th 1725

The Within Petition being Read is Recommended to the Consideration of the Lower House

Signed p Order Geo Plater Cl Up Ho.

Sent down by John Rousby Esq^r who returns and says he has Delivered it.

U. H. J. Col^o John Ward and M^r Marmaduke Tilden attend with
p. 16 M^r Philip Kennard a member Elected for Kent County to see
him Qualified.

Whereupon the said Philip takes the Oaths to the Governm^t
Appointed by Act of Assembly and subscribes the Oath of
Abjuration and Test according to the direcon of the said Act
& withdrew

The Petition of John Kersey a languishing Prisoner in
Baltimore County Goal and the Petition of John Dorsey of
the said County being read were ordered severally to be thus
Endorsed viz.

By the Upper House of Assembly Octo^r the 11th 1725

The within Petition being read is referred to the Consider-
ation of the Lower House.

Signed p order Geo Plater Cl Up Ho.

Sent down to the Lower House by Benjamin Tasker Esq^r
Who returns and says he Delivered them.

This House by John Hall Esq^r present his Honour the Gov-
ernour with their Answer to his Speech made to them and the
Lower House of Assembly in the Councill Chamber at the
Opening of this Sessions which Answer is as follows viz.

By the Upper House of Assembly Octo^r the 11th 1725
May it please Yo^r Honour

We Tender our most sincere Thanks to your Honour for
your kind Speech to us at the opening of this general As-
sembly

We are very sensible of what great Weight and concern the
Affair of the English Statutes which Your Honour has so
kindly Recommended to our Consideration, is to this province;
and as we are Satisfied nothing can Conduce more to the pub-
lick Welfare of the Country then a Concurrence of both Houses
in Matters of [so] Great an Importance so we shall not only
p. 17 on this but all other Occasions readily Joyn with the Lower
House in any Effectual Proper measures whereby we may
Come to a true Understanding of Our Constitutions.

We also give yo^r Hon^r our most hearty thanks for the very
great trouble you have been at joyn'd with yo^r good Intentions
to procure Justice from the Shuano Indians to the Proprie-
tors of those Negroes detained by them and to prevent by
treaty the like Inconveniencies for the future, which we have
reason to hope will be happily accomodated, before the Close
of the Assembly by your Hon^{rs} means.

And we humbly take leave to Assure your Honour that U. H. J. we shall use our utmost Endeavours to give Dispatch to the publick business and promote that happy Unanimity Recommended by your Honour and so much desired by this House.

Subscribed by all the Members then present.
To which his Hon^r made the following Reply.

Gentlemen of the Upper House of Assembly

I Return you my hearty Thanks, for your most kind Address to me and am Extreemly pleased my Endeavours to serve the countrey, are so Acceptable; I shall upon all occasions Continue my best Endeavours, in that way, having nothing more at Heart then the Prosperity of the province.

12th Octo^r 1725

Cha: Calvert

The Petition of John Fitz Patrick a languishing Prisoner in Prince Georges County Goal and the Petition of William Maynard a languishing Prisoner in Cecill County Goal, were Read and ordered to be severally thus Endorsed viz.

By the Upper House of Assembly Octo^r the 11th 1725

The within petition being read is referred to the Consideration of the Lower House.

Signed p order Geo. Plater Cl Up Ho.

Sent down by John Hall Esq^r who returns and says he p. 18 Delivered them.

M^r King and M^r Dashiell attend with Coll^o John Mackall a Member Elected for Calvert County to see him Qualified.

Whereupon the said John Mackall takes the Oaths to the Govern^t appointed to be taken by Act of Assembly and Subscribes the Oath of Abjuration and Test according to the Direccon of the said Act and then they withdrew.

This House adjourns till to Morrow Morning Eight of the Clock

Tuesday Morning October the 12th 1725

Met again according to Adjournment Present as yesterday.

And soon after appeared Samuel Young Esq^r

The Petition of Orlando Griffith of Ann Arundell County

U. H. J. and Katherine his wife being read is ordered to be thus Endorsed Viz.

By the Upper House of Assembly Oct^r the 12th 1725

The within Petition being read is referred to the Consideration of the Lower House

Sign'd p Order Geo. Plater Cl Up Ho.

Sent down by Col^o Addison, who returns and says he Delivered it

The Petition of Francis Holland late Sheriff of Baltimore County & Also The Petition of the people called Quakers being read are ordered to be severally thus Endorsed Viz.

By the Upper House of Assembly Octo^r the 12th 1725

p. 19 The within Petition being Read is recommended to the Consideration of the Lower House.

Signed p Order Geo. Plater Cl Up Ho.

Sent down by Col^o Addison who returns and says he Delivered them.

The Petition of the Inhabitants of the Town of Oxford and also the Petition of John Hall Esq^r being read are ordered to be Severally thus Endorsed viz.

By the Upper House of Assembly Oct^r the 12th 1725

The within Petition being read is Referred to the Consideration of the Lower House

Sign'd p order Geo. Plater Cl Up Ho.

Sent down by Col^o Addison and Philemon Lloyd Esq^r Who return and say they Delivered them.

The Petition of Lewis Deford of Queen Ann County being read is ordered to be thus Endorsed viz.

By the Upper House of Assembly Octo^r the 12th 1725

The within Petition being Read is Referred to the Consideration of the Lower House

Signed p order Geo Plater Cl Up Ho.

Sent down by Phil. Lloyd Esq^r who returns and says he Delivered it

A Letter from his Hon^r the Govern^r to both Houses of Assembly with a Copy of his Lordships Instructions to him (Recommending the Claim of M^r Rider and Nickolls to some

Indian Lands at Chicocona upon Nanticoke and Choptank U. H. J. Rivers) being Read it is ordered that a Message be prepared p. 20 and sent to the Lower House which message is as follows viz.

By the Upper House of Assembly Octo^r the 12th 1725
Gentlemen.

We herewith send you severall Papers laid before us by his Honour the Governour relating to M^r Riders and Nicholls Claim to some part of the Indian Lands at Chicocona upon Nanticoke and Choptank Rivers and propose that a Committee of some members of both Houses be appointed to Enquire into that Affair and make Report thereof

Signed p order Geo. Plater Cl. Up. Ho.

Sent down by James Bowles Esq^r who returns and says he Delivered the message

This House Adjourns till to Morrow Morning Eight of the Clock.

Wednesday Morning October 13th 1725

Met again according to Adjournment

Present

The Hono ^{ble} Members of the Upper House	{	Col William Holland		Col ^o Richard Tilghman
		Col ^o Sam ^l Young		James Bowles Esq ^r
		John Hall Esq ^r		John Rousby Esq ^r
		Col ^o Tho Addison		Benj ^s Tasker Esq ^r
		Phille: Lloyd Esq ^r		Phil Lee Esq ^r

The Petition of Charles Hammond of Ann Arundell County was read & ordered to be thus Endorsed viz.

By the Upper House of Assembly October the 13th 1725

The within Petition being Read is recommended to the Consideration of the Lower House

Signed p Order Geo Plater Cl Up Ho.

Sent down by John Rousby Esq^r who returns and says he p. 21 Delivered it

A Message from the Lower House by M^r Harrison and M^r Hawkins which is as follows viz.

By the Lower House of Assembly Octo^r the 13th 1725
May it please Your Honours

We Desire your Honours will be pleas'd to appoint some of the members of your House to be Joyned with Captain

U. H. J. Joseph Harrison M^r Henry Holland Hawkins M^r Marmaduke Tilden and M^r Nicholas Goldsborough in a committee to view the work already done to the Stadt House by Capt Henry Hooper and to proceed thereon when your Honours shall think fit.

Signed p Order M. Jenifer Cl Lo. Ho.

Which Message being read the following answer is prepared thereto.

By the Upper House of Assembly October the 13th 1725
Gentlemen.

In Answer to your message by M^r Hawkins and M^r Harrison this House does appoint Col^o Thomas Addison and Benjamin Tasker Esq^r to be joyned with Captain Joseph Harrison, M^r Henry Holland Hawkins M^r Marmaduke Tilden and M^r Nicholas Goldsborough to view the work done to the Stadt House to attend the Service to morrow morning and make Report thereon

Signed p Order Geo Plater Cl. Up. Ho.

Sent down by Coll^o Addison who returns and says he Delivered the Message.

This House Adjourns till to Morrow Morning Eight of the Clock.

p. 22 Thursday Morning Oct^r the 14th 1725
Met again According to Adjournment

Present

the
hon^{ble} { Col^o William Holland James Bowles Esq^r
Col^o Sam^l Young John Rousby Esq^r } Members
John Hall Esq^r Benj^a Tasker Esq^r } of the
Phile: Lloyd Esq^r Phil Lee Esq^r } Upper
Col. Richard Tilghman } House.

A Message from the Lower House by Col^o Mackall & Col^o Thomas Trueman Greenfield Viz.

By the Lower House of Assembly Octo the 14th 1725
May it please Your Honours

Pursuant to your Message of the 12th Instant by James Bowles Esq^r relating to Captⁿ Riders and M^r Nicholls Claim to part of the Indians Lands &c^a this House has appointed John Mackall Col. Thomas Trueman Greenfield, John Beal

Esq^r Captain George Dashiell, M^r John Kirk and M^r Ralph U H. J. Crabb of this House to join such members of your House as your Honours shall Appoint in a Committee on the Subject matter therein proposed who will be ready to Attend at such time and Place as yo^r Honours shall think proper.

Signed p Order. M. Jenifer Cl. Lo. Ho.

Which being read the following answer was prepared thereto

By the Upper House of Assembly October 14th 1725
Gentlemen.

In Answer to your Message by Coll John Mackall & Col^o Thomas Trueman Greenfield This House does appoint Philemon Lloyd Esq^r & Col^o Richard Tilghman to be joynd with p. 23 Col^o John Mackall Col^o Thomas Trueman Greenfield John Beale Esq^r Capt George Dashiell M^r John Kirk & M^r Ralph Crabb in a Committee to Examine into Captain Riders and Nicholls Claim to part of the Indian Lands &c^a who will be ready to Attend at the House of M^r Francis Bowes to morrow Morning at nine of the Clock.

Signed p order Geo. Plater Cl. Up. Ho.

Sent down by Phile Lloyd Esq^r and Col^o Richard Tilghman who return and say they have Delivered the said Message.

The House Adjourns till to Morrow morning Eight of the Clock.

Friday morning October the 15th 1725

Met Again According to Adjournment

Present

The hon ^{ble}	{	Col William Holland	James Bowles Esq ^r	} Members of the Upper House
		Coll ^o Sam ^l Young	John Rousby Esq ^r	
		John Hall Esq ^r	Benjamin Tasker	
		Philemon Lloyd Esq ^r	Esq ^r	
		Col ^o Richard Tilgh- man	Phil Lee Esq ^r	

The Petition of Richard Deavour of Baltimore County being read is Ordered to be thus Endorsed viz.

By the Upper House of Assembly Oct^r the 15th 1725

The within Petition being read is Recommended to the consideration of the Lower House.

Signed p Order Geo Plater Cl Up Ho.

U. H. J. Sent down by Phil Lee Esq^r Who returns and says he delivered it

p. 24 His Honour the Governour lays before this House his Lordships Dissent to An Act of Assembly, relating to the Convicts which followeth in these words viz.

(Seal)

C. Baltimore Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^a to our Right Trusty and well beloved Charles Calvert Esq^r our Lieutenant Governour of our said Province of Maryland and to our right trusty and well beloved the Upper and Lower Houses of our General Assembly there, and to all others of our said Province of Maryland for the time being Greeting

Whereas at a Sessions of Assembly begun and held in our Province of Maryland the 23 day of September and Ending the 26th day of October in the Eighth year of our Dominion over the said Province Annoq Domini 1723 An Act passed Entituled an Act to prevent the great Evills ariseing by the Importation of Convicts into this Province and for the better discovery of such when Imported,

And Whereas it hath been represented unto us that the said Act may and will in a great Measure disable the Contractor with the Government of England for Transporting of Felons to his Maj^{ties} Plantations from performing his said Contract and that the said Act does in great Measure destroy the intent of the Acts of Parliam^t made for that purpose in England And their Excellencys the Lords Justices in Council having last August disallowed an Act of the like nature in his Majestys Collony of Virginia, we on due Consideracon of the

p. 25 aforesaid Act made in Maryland, have thought fit to Dissent to the same, and do hereby Declare the said Act to be Null Void and of no Effect.

Given Under our hand and Seal at Arms at London the 8th day of June in the Ninth Year of our Dominion over the said Province of Maryland Annoq Dni 1724.

C. B.

As also his Honours letter relating to the said Dissent viz.

To the Hon^{ble} the Upper and Lower Houses of Assembly Gentlemen.

You will with this receive his Lordships Dissent to our Act of Assembly relating to Convicts (which I Caused to be

published on the 14th of December last) His Lordship would U. H. J.
not have dissented to it but for the Reasons therein mentioned
and indeed I cannot see how his Lordship could do otherwise ;
for by a Statute of the 4th of our most gracious Sovereign
King George relating to Convicts (which Statute by Express
words reaches all the Plantations) the Contractors with the
Crown are Empowered to Transport them, and sell them for
the Term of Years they are Judged for ; then they become the
property of the Purchasers but if according to our Late Act,
the purchaser (upon refusing to give the Security therein
mentioned) were to have those Servants put in Prison their
Property would then certainly be invaded which is an Evil to
be Avoided ; I could heartily wish they were sent to any other
of his Majestys Plantations but while we purchase they will
send them, and we bring the Evil upon our selves

Cha : Calvert

Which Dissent and letter being read are sent down to the p. 20
Lower House by John Rousby Esq^r who returns and says
he Delivered them.

Benjamin Tasker Esq^r appointed on the Com̄ittee for
viewing the Stadt House gave in the Report of the Com̄ittee
to this House which being read is as follows viz.

By the Com̄ittee appointed to View the work of the Stadt
House 15 Oct^r 1725

We of the Committee having Viewed the work of the
Stadt house Report that the plaistering in the Passage on the
Upper floor is not done Workmanlike, that some part of the
Plaistering in the Assembly Office is very slight and that the
Plaistering by the Turrett door is not Completed.

Also Report that the plaistering of the Passage and all the
Offices of the first Floor Except the Com̄issarys are very
rough and indifferently done, that the Plaistering at the head
of the Stairs is very indifferently done that the floor of the
Court House and Front Porch are not laid that the holes
in the Walls where the Scaffolding was affixt are not stopt,
that the Plaistering of the whole wants to be better white
wash'd and the Stadt House wants Still to be rough Cast

Signed p Order John Gibson Cl Com.

This House Adjourns till to Morrow Morning Eight of the
Clock

Saturday Morning October the 16th 1725

Met again according to Adjournment

U. H. J. Present as yesterday

p. 27 The Petition of Mary Madox Widow and Relict of Samuel Madox late of Saint Marys County deceased being read is ordered to be thus Endorsed viz.

By the Upper House of Assembly Octo the 16th 1725

The within Petition being read is referred to the Consideration of the Lower House.

Signed p Order Geo. Plater Cl Up Ho.

Sent by M^r Tasker who returns and says he Delivered it
Three bills from the Lower House by M^r Walter Smith & Captain Hooper Viz.

A Bill for Repealing an Act Entituled An Act for Confirming and making Valid the last Will and Testament of Col^o John Contee thus Endorsed viz:

By the Lower House of Assembly Octo the 13th 1725

Read the first time and Ordered a Second Reading on Saturday next

Signed p order M Jenifer Cl. Lo Ho.

By the Lower House of Assembly Octo the 16th 1725

Read the second time and will pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

A Bill for the Relief of James Moore of Baltemore County thus Endorsed viz.

By the Lower House of Assembly Octo^r the 15th 1725

Read the first time and Ordered to be laid on the Table.

Signed p Order M Jenifer Cl Lo: Ho.

p. 28 By the Lower House of Assembly October the 16th 1725
Read the second time and will pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

Which Bills being Read were severally thus Endorsed Viz.

By the Upper House of Assembly October the 16th 1725

Read and will Pass.

Signed p Order Geo. Plater Cl Up Ho.

Which two Bills so Endorsed were sent down to the Lower U. H. J.
House by Philip Lee Esq^r who returns and says he delivered
them.

Also A Supplementary Bill to the Act Empowering
Trustees to sell Land &c late of William Harris of Calvert
County thus Endorsed viz.

By the Lower House of Assembly October 15th 1725
Read the first time and ordered a second reading to
Morrow

Signed p order M Jenifer Cl. Lo. Ho

By the Lower House of Assembly October the 16th 1725
Read the Second time and will pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

Which Bill is Ordered to lye upon the Table.
The Petition of Bigger Head of Prince Georges County
being read is ordered to be thus Endorsed viz.

By the Upper House of Assembly Octo the 16th 1725
The within Petition being read is referr'd to the Considera- p. 29
tion of the Lower House

Signed p Order Geo. Plater Cl Up Ho.

Which Petition was sent down by Phil Lee Esq^r who re-
turns and says he Delivered it

Two Bills from the Lower House by Col^o Belt & M^r Vachel
Denton Viz.

An Act to Confirm an Estate in ffee simple to such persons
as Already have or hereafter shall purchase any Lands lying
in the new Town of Annapolis or the Town Pasture thereunto
Adjoyning &c^a

Also An Act to prevent Sundry Irregularities Complained
of by the People called Quakers both which were thus En-
dorsed viz.

By the Lower House of Assembly Octo^r the 15th 1725
Read the first time and Ordered to [be] laid on the Table
Signed p order M. Jenifer Cl Lo. Ho.

By the Lower House of Assembly Octo the 16th 1725
Read a second time and will pass.
Signed p Order M. Jenifer Cl Lo Ho.

U. H. J. Which two bills are ordered to lye upon the Table
A Bill Entituled An Act to prevent the great Evils occasioned by small Stone Horses within this Province &c by M^r Dashiel and M^r Gale thus Endors'd Viz.

By the Lower House of Assembly Octo the 15th 1725
Read the first time and ordered to lye on the Table.

Signed p Order M. Jenifer Cl. Lo Ho.

p. 30 By the Lower House of Assembly October the 16th 1725
Read the second time and will Pass.

Signed p order M. Jenifer Cl. Lo. Ho.

Which Bill is Ordered to lye on the Table.

A Message from the Lower House by John Beale Esq^r & M^r Thomas Worthington Viz.

By the Lower House of Assembly October the 16th 1725
May it please Yo^r Honours.

This House is willing that the several Treasurers of this Province should dispose of what Bills of Exchange they now have in their hands belonging to the publick for Current Money at the best Advantage not being less then Twenty Eight p Cent Exchange provided that the Treasurers do not Endorse the same so as in any wise to burthen the publick with the protest thereof in Case any shall happen

Signed p Order M Jenifer Cl. Lo: Ho.

To which Message the following Answer was prepared viz.

By the Upper House of Assembly Octo^r 16th 1725
Gentlemen

This House Concurrs with your House in your Message by John Beale Esq^r and M^r Thomas Worthington relating to the Treasurers of this Province

Signed p Order Geo Plater Cl Up Ho.

Sent down by John Hall Esq^r who returns and says he has Delivered it.

p. 31 A Message from the Lower House by M^r Benjamin Mackall & M^r King viz.

By the Lower House of Assembly Octo 16th 1725
May it please Yo^r Honours

This House not Observing that there hath been any notice

taken of the Joynt Address of his Honour the Governour and U. H. J. both Houses of Assembly made in October Assembly 1723 to his most Sacred Majesty Congratulating his Majesty on his happy and timely Discovery of the late horrible Plott and not having heard what became of it, We Desire yo^r Hon^{rs} to Enquire into that matter that if it has not been presented proper measures be taken for the Presenting a Duplicate with the Expressions of our Concern that the Original miscarried; But if it has been presented, that your Honours will favour us with the notice that has been taken of it.

Signed p order M. Jenifer Cl Lo Ho.

Which Message is ordered to lye on the Table

This House Adjourns till to Morrow morning Eight of the Clock

Monday Morning October the 18th 1725

Met Again According to Adjournment.

Present

the hon ^{ble}	{	Col ^o Sam ^l Young	James Bowles Esq ^r	} Members of the Upper House
		Col ^o William Holland	John Rousby Esq ^r	
		John Hall Esq ^r	Benj. Tasker Esq ^r	
		Phile. Lloyd Esq ^r	Phil Lee Esq ^r	
		Col ^o M. Tilghman Ward		

Read the Message on Saturday by M^r Mackall & M^r King To which the following Answer was prepared Viz.

By the Upper House of Assembly Octo: the 18th 1725 p. 32
Gentlemen.

In answer to your Message of the 16th Instant by M^r Mackall & M^r King relateing to the joynt Address of his Honour the Governour, and both Houses of Assembly to his most Sacred Majesty, upon Enquiry his Honour acquaints this House that he Delivered it himself to Captain John Jones directed to his Lordship in the presence of Philemon Lloyd Esq^r Benjamin Tasker and John Beale Esq^r but hath not heard any thing since relating to the same.

Signed p order Geo. Plater Cl Up Ho.

Sent down by John Hall Esq^r who returns and says he Delivered it.

M^r Maldin and M^r Johnson from the Lower House present Coll^o Ephraim Augustin Herman a Member Elected for Cecil County to be Qualified.

U. H. J. Whereupon the said Herman takes the Oaths to the Government appointed to be taken by Act of Assembly and Subscribed the Oath of Abjuration and Test according to the direction of the said Act and withdrew.

Read the Bill to prevent Sundry Irregularities Complained of by the People Called Quakers which was ordered to be thus Endorsed Viz.

By the Upper House of Assembly Octo^r the 18th 1725
Read and will pass.

Signed p Order Geo. Plater Cl. Up Ho.

Read the Bill Entituled an Act to Confirm an Estate in fee simple to such persons as Already have or hereafter shall purchase any lands lying in the new Town of Annapolis &c^a which is ordered to be thus Endorsed Viz.

By the Upper House of Assembly October the 18th 1725.

p. 33 Read and will pass with a Clause (saving to the Right Hon^{ble} the Lord Proprietary his Heirs and Successors and all other Persons their Rights to any of the lands herein mentioned).

Signed p Order Geo. Plater Cl. Up. Ho.

Read the Bill Entituled An Act to prevent the Great Evills Occasioned by Small Stone Horses &c^a which was ordered to be thus Endorsed Viz.

By the Upper House of Assembly Octo the 18th 1725

The whole Act Prohibiting the Importation of Bread Beer &c. from Pennsylvania; being found to be of no use or Service to the Country this Bill will Pass Repealing that whole Act.

Signed p Order George Plater Cl. Up. Ho.

Which three aforegoing Bills were sent down to the Lower House by Philemon Lloyd Esq^r who returns and says he Delivered them

The Petitions of Daniel Dulany Esq^r and M^r Joshua George being read are ordered to be Separately thus Endorsed viz.

By the Upper House of Assembly Octo the 18th 1725

The within Petition being read is Referred to the Consideration of the Lower House of Assembly.

Signed p Order Geo Plater Cl. Up. Ho.

Sent down by Coll^o Ward who return and says he Delivered U. H. J. them

Read the Supplementary Bill to the Act Empowering Trustees to sell lands &c late of William Harris of Calvert County which was ordered to be thus Endorsed viz.

By the Upper House of Assembly Octo the 18th 1725
Read and will Pass.

p. 34

Signed p order Geo Plater Cl Up Ho.

Sent by James Bowles Esq^r who returns and says he Delivered it.

The Petitions of William Burton and Thomas Broxon two languishing Prisoners in Cecill County Goal being read are ordered to be seperately thus Endorsed viz.

By the Upper House of Assembly Octo the 18th 1725

The within Petition being read is referred to the Consideration of the Lower House.

Signed p Order Geo: Plater Cl Up Ho.

Sent down by John Rousby Esq^r who returns and says he Delivered them

A Message from the Lower House by M^r Hawkins and M^r Jordan viz.

By the Lower House of Assembly Octo the 18th 1725
May it please your Honours

There being great Complaints in all Parts of the Province about the Exorbitancy of the Officers fees and the Act for Limitation of them Expiring in December next we desire that some of the members of your House may be joyned with some of the members of this House in a Conference for the Regulating of them

Signed p Order. M. Jenifer Cl Lo Ho.

Which Message is order'd to lye upon the Table

This House adjourns till to morrow Morning nine of the Clock

Tuesday Morning Octo the 19th 1725

Met Again according to Adjournment. Present as Yes- p. 35
terday.

U. H. J. Read the Message by M^r Hawkins and M^r Jordan Yesterday relating to Officers fees and Ordered that the following Answer be prepared thereto viz.

By the Upper House of Assembly, Octo the 19th 1725
Gentlemen.

In Answer to your Message by M^r Hawkins and M^r Jordan yesterday this House does Appoint Col^o Matthew Tilghman Ward John Rousby and Philip Lee Esq^r to Joyn such members of your House (as you shall think proper) in a Conference on the Subject matter in the said Message contained
Signed p Order Geo: Plater Cl Up Ho.

Sent down by Col^o M. Tilghman Ward who returns and says he delivered the s^d Message.

A Message from the Lower House by Coll^o Tho^s Trueman Greenfield & M^r Harris as follows viz.

By the Lower House of Assembly Octo^r the 19th 1725
May it please yo^r Honours

In Answer to your Message this day by Col^o Ward this House does Appoint Col^o John Mackall, Col^o Thomas Trueman Greenfield James Harris Esq^r John Beal Esq^r Captain Robert King and Captⁿ Levin Gale members of this House to joyn the members appointed by your House in the Conference proposed for regulating Officers ffees, who are ready to attend at such time and place as your Honours shall think proper.

Signed p Order. M. Jenifer Cl. Lo. Ho.

Which Message is ordered to lye on the Table

p. 36 This House Adjourns till to Morrow Morning Eight of the Clock.

Wednesday October the 20th 1725

Met Again According to Adjournment

Present.

the honble	{	Col ^o William Holland	James Bowles	} Members of the Upper House.
		Col ^o Sam ^l Young	John Rousby Esq ^r	
		John Hall Esq ^r	Philip Lee	
		Phile Lloyd Esq ^r	Benja Tasker	
		Col ^o M. Tilghman Ward.		

The following Answer was prepared to A Message yesterday from the Lower House by Col^o T. Trueman Greenfield and M^r Harris viz. U. H. J.

By the Upper House of Assembly Octo^r the 20th 1725
Gentlemen.

The members appointed by this House are ready to Joyn the Members appointed by your House (in yo^r Message Yesterday by Col^o Tho^s Truman Greenfield and M^r Harris) in a Conference for regulating the Officers fees at the House of Peter Overard Imediately.

Signed p order Geo. Plater Cl Up Ho.

Sent down by Col^o M. T. Ward who returns and says he Delivered the Message

An Engrössed Bill from the Lower House by M^r Benja Mackall and Coll^o Belt Entituled An Act to prevent severall Irregularities Complained of by the People called Quakers thus Subscribed vizⁱ

Octo the 20th 1725

Read and Assented to by the Lower House of Assembly p. 37

Signed p order M. Jenifer Cl. Lo Ho.

Which Bill being read is likewise Assented to by this House and ordered to be so Endorsed.

This House Adjourns till to Morrow Morning Eight of the Clock

Thursday Morning Octo^r the 21st 1725

This House met Again According to Adjournment

Present as yesterday

The Petition of the Parishioners of Stepney Parish in Somerset County being read is ordered to be thus endorsed viz.

By the Upper House of Assembly Octo^r the 21st 1725

The within Petition being read is referred to the Consideration of the Lower House

Signed p Order Geo. Plater Cl Up Ho.

Sent down by Benja Tasker Esq^r who returns and says he Delivered it.

Two Ingrossed Bills from the Lower House by Coll^o Ward and M^r Pemberton viz.

An Act Entituled a Supplementary Act to an Act Empowering certain Trustees to sell a Tract of land in Talbot County

U. H. J. called Frankford S^t Michael late the Estate of Inheritance of William Harris late of Calvert County and with the money thereby arising to purchase other lands for the use of Joseph Harris and Benjamin Harris Sons of the said William Harris and the Heirs of their Bodys according to the Direcccons of the Last Will and Testament of the said William Harris, and

An Act Entituled An Act to Confirm an Estate in fee simple to such persons as already have or hereafter shall purchase any the Lands lying in the new Town commonly called the Addition to the City of Annapolis or any Land Adjoyning to the said City of Annapolis commonly called the Town pasture or common and to Invest them with the same Priviledges within the City of Annapolis as other Freeholders therein now have or hereafter may Enjoy, which were severally thus Subscribed,

Octo^r the 21st 1725

Read and Assented to by the Lower House of Assembly and
Sign'd p order M. Jenifer Cl Lo. Ho.

Which said Bills being read were likewise Assented to by this House and ordered to be so Subscribed

The Petition of John Clements a languishing Prisoner in Talbot County Goal was read and ordered to be thus Endorsed Viz.

By the Upper House of Assembly Octo the 21st 1725.

The unhappy Circumstances of the Petitioner who is now under Execution and Closely Confined as we are informed in Talbot County Goal upon a Non suit Obtained Against him in Dorset County before the Acts within mentioned is Reco^mended to your House for Relief.

Signed p order Geo. Plater Cl Up Ho.

Sent by Phile Lloyd Esq^r who returns and says he Delivered it.

A Bill from the Lower House by Cap^t Hooper and M^r Pritchett Entituled,

An Act to Invest the Vestry of great Choptank Parish in Dorchester County with an Estate in Fee Simple to the Lands therein mentioned thus Endorsed Viz.

By the Lower House of Assembly Octo the 21st 1725

Read the first and second time by Especial order and will Pass

Signed p Order M. Jenifer Cl. Lo. Ho.

Which being Read is ordered to be thus Endorsed Viz. U. H. J.
P. 39

By the Upper House of Assembly Octo the 21st 1725
Read and will Pass

Signed p order Geo. Plater Cl Up Ho.

Which bill was sent by Phile: Lloyd Esq^r who returns and says he Delivered it.

The petitions of John Gresham High Sheriff of Ann Arundell County being read are ordered to be severally thus Endorsed viz.

By the Upper House of Assembly Octo^r the 21st 1725

The within petition being read is Recommended to the Consideration of the Lower House

Signed p order Geo Plater Cl Up Ho.

Sent down by Benja Tasker Esq who Returns and says he Delivered them.

This House Adjourns till to Morrow Morning Eight of the Clock.

Friday Morning Octo^r the 22^d 1725

This House met Again according to Adjournment

Present as yesterday with the Addition of Col^o Richard Tilghman

A Message from the Lower House by Captain Rider and M^r Goldsborough Viz.

By the Lower House of Assembly Octo^r the 22^d 1725

May it please Your Honours

This House taking notice that it does not any ways Appear to them whether your Honours have Assented to the Ingross'd bill to prevent several Irregularities Complained of by the People called Quakers, nor to the Engrost bill to Confirm an Estate in fee Simple to such Persons as already have or hereafter shall purchase any the Lands lying in the New Town &c And to the Supplementary Engrost Bill to the Act Empowering Trustees to sell the Lands late of William Harris of Calvert County dece^d &c^a or not, we therefore desire that your Honours would be pleas'd to send us down those Engrost Bills that your Honours assent may appear to this House in the Same Manner our Assent Appears to your Honours According to the Ancient practice of the Legislature of this

U. H. J. Province which has never been Interrupted till very lately and which as the most Parliamentary Course by which the privilege of this House is best Secured we pray may be restored

Signed p Order M: Jenifer Cl. Lo. Ho.

To which Message the following Answer was prepared Viz.

By the Upper House of Assembly Octo the 22^d 1725
Gentlemen

In Answer to your Message by Captain Rider and M^r Goldsborough we do Acquaint you that the three Engrost Bills in that Message mentioned are Assented to by this House which we hope will be sufficient for your Satisfaction and for the future shall Endorse the Original Bills sent down That we cannot Conceive the detaining of the Engrost bills can be any Injury to the Priviledge of your House for we think it proper they shou'd remain in this House for his Honour the Governours perusal and Affixing the Seals as Chancellor by which means they will be ready for the Assent at the Conclusion of the Session and the publick Business be Expedited.

Sign'd p order Geo. Plater Cl. Up. Ho.

Sent down by John Hall Esq^r who returns and says he delivered the Message

p. 41 An Engross'd bill from the Lower House by Capt Rider and Capⁿ Hooper Entituled An Act to Invest the Vestry of great Choptank Parish in Dorchester County with an Estate in fee Simple to the lands therein mentioned thus Subscribed Viz.

Octo^r the 22^d 1725

Read and Assented to by the Lower House of Assembly and
Sign'd p Order M. Jenifer Cl Lo. Ho.

Which Bill being read is likewise Assented to by this House And the Engrost bill ordered to be so Subscribed.

The Original Bill so Endorsed was sent down to the Lower House by Col^o M. T. Ward who returns and says he delivered it

A Message sent to the Lower House by Col^o Holland Viz

By the Upper House of Assembly Octo^r the 22^d 1725
Gentlemen.

His Excellency the Governor having been pleased to Communicate to this House A letter by him received from Coll^o

John Bradford and herewith sent in Relation to the Runaway U. H. J. Negroes we do Recommend the same As worthy the Consideration of yo^r House

Signed p Order Geo. Plater Cl Up Ho.

The House Adjourns till to morrow Morning eight of the Clock

Saturday Morning Octo the 23^d 1725

This House met Again According to Adjournment. Psent as Yesterday.

Coll Matthew Tilghman Ward John Rousby and Philip Lee Esq^r Appointed on the Conference to Regulate the Officers fees make a Report thereof as follows viz.

At A Conference appointed by the Hono^{ble} the Upper and p. 42 Lower Houses of Assembly for Regulating Officers fees

Present

The Hono ^{ble}	{	Col ^o M. Tilghman Ward John Rousby Esq ^r Phil Lee Esq ^r	}	Of the Upper House
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The Hono ^{ble}	{	Col ^o John Mackall Col ^o T. Tru: Greenfield James Harris Esq ^r John Beal Esq ^r Capt. Robert King Captain Levin Gale	}	Of the Lower House
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Who make Choice of Coll M. T. Ward their Chairman and John Gibson Clk and proceed to regulate the Comissarys ffees Secretarys fees Sherriffs fees, Cryer of the Provincial Court Clke of the Council Clerk of the High Court of Appeals Clerk of the County Court, Cryer of the County Court, and Examiner Generals ffees, and leave the Chancellors Surveyor, Collector, Naval Officer, Deputy Comissary and the Coroners fees on the last regulation conceiving they will not Admit of any Deduction.

And we the Conferrees aforesaid by vertue of the Powers to us given have Seriously and Deliberately weigh'd and Considered the several Profits and Advantages ariseing from the ffees of the several other Officers aforesaid and made a Computation of the Sum total of all the several Lists of ffees and humbly Conceive the severall Officers Abovementioned will bear such regulations and Deductions as are by us made which may Appear by the Table of Fees to this report affixt

U. H. J. and we humbly Conceive it necessary to bring in a bill to Enforce the Regulation now made, and we also Report to your Honours that we have inspected the several fees by Law allow'd to Practitioners of the Law, and tho we do not Apprehend the said Fees to be Exorbitant yet we esteem it Absolutely necessary to tye down the Practitioners aforesaid to the due Observance of taking no other Fees to which purpose
p. 43 we have thought fit to devise certain Oaths to be taken by the several Practitioners Plaintiffe and Defendant in every action and with this transmitted Copys thereof for your Honours perusall as conceiving this to be the most effectual Method to prevent the hardships Complained of; And further we humbly make known to your Honours that on due Inspection and Consideration of the Office of Surveyor Generall the whole business being transacted by the Deputys thereof, we Deem the said Office Useless and think it necessary that an Address be presented to his Honour the Governour on that Head And further we humbly propose that Attorneys fees be Ascertained by Law for their Services in Pleading before the Judge for Land Affairs, and the Upper or Lower Houses of Assembly All which we humbly Submit to Your Honours Wisdom and Justice.

Signed p order John Gibson Cl Confer.

And we further report that we think it necessary that for any Estate not exceeding 50^l the Comissarys Generall take but halfe the fees to be Ascertained by Law and that the Comis^{rs} of the Respective Countys have full power (when there is no Dispute) to settle and pass all Accounts whatsoever relating to Testamentary Affairs and that no Fee be taken for Estates under Ten pounds as in the prior Law, and that the Deputy Comis^{rs} shall not insist on Drawing the Account or Accounts of any person or persons on pretence of want of form but shall receive all or any Accounts the Articles whereof are fully Explained

Signed p Order John Gibson Cl Confer.

Which Oaths before mentioned follow in these words Viz.

Oath of An Attorney

You A B shall Swear you shall do no falshood or deceit nor Consent to any to be done in this Court, and if you know of any to be done you shall give Knowledge thereof to the Chief Justice of this Court that it may be Reformed, You shall delay
p. 44 no man for Lucre or Malice, you shall Encrease no ffees nor receive any fee by yourself or any other either in Money Sterl

Bills of Exchange Curr^t money Tobacco or by any other U. H. J.
means whatsoever either as an Attorney, Chamber Councillor, Councillor at Law, Barrister or under any other Denomination of the Law w^ssoever for Adviseing, Tithing, Drawing Declarations, Pleading especial Retainer or any other Service whatsoever in the Law done had or Advised to be done or had for the Services aforesaid or thereto in any wise relating in any of the Courts of Record, Court of Chancery or other Court or Courts Jurisdiction or Jurisdictions established in this Province any greater or other Fee Gift Gratuity or Reward than such ffee or fees as are established and Enumerated by Act of Assembly &c^a but be Contented with the ffees limited by Law, you shall plead no fforeign Plea nor sue any foreign Suits Unlawfully to Hurt any Man but such as shall stand with the Order of the Law and your Conscience you shall not wittingly or Willingly sue nor procure to be Sued any false Suit, nor Give Aid or Consent to the same on pain of being Expuls'd from the Court for ever and further you shall use and demean yourself in the Office of an Attorney within this Court according to your Learning and Discretion So help you God

Oath of the Clyent

You A B do Swear that you have not Given caused to be given or Paid nor will Cause to be Given or paid (either directly or indirectly) unto your Attorney or Attorneys Councillors or Advisers (in the Cause now depending in this Court between you and C. D.) or to any other person whatsoever for the Use of your said Attorney or Attorneys Councillors or Advisers or at his request any other or larger fee or fees either for Advice in the said Action or any other Services thereto relating than they are allowed to take by an Act of Assembly Entituled &c^a lately made but that you have well and truly for your part complied with the true intent and Meaning of the said Act and no further according to the best of your Skill and knowledge So help you God.

Which being read is ordered to lye upon the Table.

p. 45

A Message from the Lower House by M^r Walter Smith and Col^o Ephraim Augustine Herman as follows viz.

By the Lower House of Assembly Octo^r 23rd 1725
May it please your Honours

We Observe by your Message of the 22^d Instant Your Hon^{rs} have fallen on a method of Signifying Yo^r Assent to

U. H. J. Engrost bills, which seems to us to be entirely new. The method we proposed to yo^r Hon^{rs} was according to the practice constantly Used till Aprill 1715 at which time we find the practice was first altered but for what Causes does not Appear. We Conceive it [to] have been a thing past by as of little Consequence But for that we cannot be sure of Avoiding Inconveniencies by such an Innovation in our Parliamentary practice used both in the time of his Lordships Ancestors and all the time of the Crowns Government we Entreat yo^r Hon^{rs} not to Enter into debates with us concerning it. As to his Hon^r the Govern^{rs} perusal of Such Bills we can not but presume him sufficiently apprized of them by their being Debated in your House where he presides We therefore pray your Hon^{rs} not to oppose the Renovation of so long Establish A Parliamentary Practice Amongst us

Signed p order M. Jenifer Cl Lo Ho.

Which was read and ordered to lye on the Table

A bill from the Lower House Entituled An Act declaring female Mulattoes born of white women to be Taxables thus Endorsed viz.

By the Lower House of Assembly Octo^r the 23^d 1725
Read the first and Second time by Especial Order and will pass

Signed p Order M. Jenifer Cl Lo Ho.

p. 46 Which Bill was read and further thus Endorsed viz.

By the Upper House of Assembly Oct^r the 23rd 1725
Read and will pass.

Signed p order Geo: Plater Cl Up Ho.

Sent down by John Hall Esq^r, who returns and says he delivered it

A message from the Lower House by Cap^t Hooper and M^r Waughop viz

By the Lower House of Assembly Octo 23^d 1725
May it please Your Honours

On Reading the Report of the Comissioners appointed to View the Work Already done to the Stadt House by M^r Henry Hooper this House is willing that the said Hooper be now paid 140^l part of the 200^l Currency Agreed for and that on his the said Hooper's compleating the work according

to that Report and the Agreement last Session (Except the U. H. J rough Casting) the remaining 60[£] be paid him, And propose that John Beal and Vachel Denton Esq^{rs} Members of our House in Conjunction with some Members of your House to be by your Honours Appointed view the said Work when finished and that they then if they think fit order the said 60[£] to be paid by the Treasurers with which we desire yo^r Honours Concurrence

Signed p order M. Jenifer Cl Lo. Ho.

To which the following Answer was prepared viz.

[By the Upper House of Assembly October the 23^d 1725]
Gentlemen.

We concur with you in your Message by Captain Hooper and M^r Waughop, and this House does Appoint Benjamin Tasker Esq^r to Joyn John Beal and Vachel Denton Esq^{rs} to view the work of the Stadt House when finished and to make such Order as therein mentioned if they shall so think fit. p. 47

Signed p order Geo. Plater Cl Up Ho.

Sent down by John Hall Esq^r who returns and says he delivered it

This House Adjourns till Monday Morning Eight of the Clock

Monday Morning Octo^r the 25th 1725

This House met Again According to Adjournment Present as on Saturday

A Bill from the Lower House by Captain Hooper and M^r Pritchett Entituled An Act for Dividing great Choptank Parish in Dorchester County and for Erecting a Parish out of the same called by the name of S^t Marys White Chappell Parish thus Endors'd viz.

By the Lower House of Assembly Octo^r the 22^d 1725
Read the first time and Ordered to lye on the Table

Signed p order M. Jenifer Cl. Lo. Ho.

By the Lower House of Assembly Octo^r the 25th 1725
Read the second time and will Pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

U. H. J. Which being read was further thus Endorsed viz.

p. 48 By the Upper House of Assembly October the 25th 1725
This Bill will pass with a Clause inserted signifying that
the Incumbant had due notice or Consented to it
Signed p Order Geo Plater Cl Up Ho.

Sent by Col^o Ward, who returns and says he Delivered it
A Message by Col^o Mackall and Col^o Greenfield viz.

By the Lower House of Assembly October the 25th 1725
May it please Your Honours

We have read the Report of the Conferrees appointed for
regulating Officers fees and Agree therewith except that part
relating to the Surveyor General which this House does not
Approve of; and if your Honours Concurr with us for the
bringing in A Bill we shall take Care to Explain some Articles
in the Sheriffs and Surveyors fees in that Bill and prepare a
Supplementary Bill to the Act for regulating the practice of
Attorneys &c^a

Signed p Order M: Jenifer Cl Lo Ho.

Which is Ordered to lye on the Table.

Two Engrost Bills by M^r Dent and M^r Hawkins viz.
An Act Entituled An Act for the Relief of James Moore of
Baltemore County and An Act Entituled An Act to Repeal
An Act Entituled An Act for Confirming and making Valid
the last will and Testament of Coll^o John Contee which were
severally thus Subscribed viz.

By the Lower House of Assembly Octo^r the 25th 1725
p. 49 Read and Assented to by the Lower House of Assembly &
Sign'd p order M. Jenifer Cl Lo Ho.

Which being read were Assented to by this House and
ordered to be severally So subscribed

And the paper Bills so Endorst sent down by Philip Lee
Esq^r who returns and Says he delivered them.

An Engrost Bill from the Lower House by Captⁿ Hooper
and M^r Courts Entituled An Act declaring female Mulattoes
born of white women and free Negro women to be Taxables
thus subscribed Viz.

By the Lower House of Assembly Octo^r the 25th 1725
Read and Assented to by the Lower House of Assembly and
Sign'd p order M. Jenifer Cl: Lo: Ho:

Which was likewise Assented to by this House and ordered U. H. J. to be Subscribed.

And the Paper bill so Endorst is sent by Phill Lee Esq^r who returns and says he Delivered it.

As Also a Bill for relieving the Inhabitants from some Aggrievances &^c thus Endorst viz.

By the Lower House of Assembly Oct^r the 23rd 1725
Read the first time and ordered to lye upon the Table
Signed p Order M. Jenifer Cl Lo Ho.

By the Lower House of Assembly October the 25th 1725
Read the Second time and will pass.
Signed p Order M: Jenifer Cl. Lo. Ho.

Which being read is Ordered to lye on the Table.

A Bill from the Lower House by M^r Benjamin Mackall & p. 50
M^r Hawkins Entituled An Act to Encourage the taking up of
Runaway Slaves & thus Endors'd Viz.

By the Lower House of Assembly Octo the 25th 1725
Read the first and second time and will pass.
Signed p order M. Jenifer Cl. Lo. Ho.

Which bill was read and thus further Endors'd
Read and will Pass.

Signed p order Geo Plater Cl Up Ho.

Sent down by John Rousby Esq^r who returns and says he delivered it

On consideration of the Message on Saturday by M^r Walter Smith & Col^o Herman the following Message was prepared thereto viz.

By the Upper House of Assembly Octo^r the 25th 1725
Gentlemen.

In answer to your Message of the 23^d Instant by [M^r] Walter Smith and Col^o Ephraim Augustine Herman we are of Opinion that the Method we have taken of signifying our Assent to the Engrost Bills is not so entirely new as you seem to think, for if you please to consult the Journals of both Houses of Assembly since the Year 1715 you will find

U. H. J. the same method has been used since that time only with this
 P. 51 difference that as the Assent used to be signified by a Verball
 Message we have now done it in Writing by an Endorsement
 upon the Originall Bills which we were induced to do by your
 desiring (in your first Message relating to the Affair) that
 our Assent to those Bills might appear to your house in the
 Same Manner that the Assent of Your House does to ours,
 and this we take to be most effectually Complied with by that
 method. We are very far from desiring to Enter into Un-
 necessary debates with your house but cannot Conceive why
 you should insist upon altering the present practice relating to
 the Engrost bills, because for the reasons we gave you in our
 former Message it appears to be most conducive to the dis-
 patch of the publick business and we believe it to be most
 Agreeable to the Parliamentary practice in great Brittain.
 We Desire you will be pleased to Consider that you seem to
 mistake the Constitution of our Legislature when you tell us
 that his Honour the Governor presides in our House, for he
 is not a Member of it, nor does not sit Amongst us unless
 occasionally as he thinks fit for perusing such Bills and
 Petitions as are lodged in this House, and we having Com-
 municated to him the Messages of Your House relating to this
 Affair he has been pleased to tell us that unless the Engrost
 Bills are lodged here or in some convenient place where he
 may have recourse to them, he cannot possibly be prepared to
 Assent to them at the Conclusion of the Sessions, but that
 then both houses must wait till he can peruse them. Besides
 what has been already Offered it Appears to be most Agree-
 able to reason that as your House have in possession the
 Originall bills with our Assent thereon, so the Engrost bills
 Should remain in our House which will give each house the
 opportunity of perusing and Considering them during the
 whole Sessions whereby some mistakes that might happen
 p. 52 may be discovered and be by the Consent of both Houses
 Amended.

As we find by the Journals of our House that the practice
 in this Case has been various and never settled by any Stand-
 ing rule, and for that we cannot apprehend any Incon-
 veniences can arise from the present practice it Appearing
 to be most reasonable and convenient for dispatching the
 Business of the Assembly we are in hopes Your House will
 Concurr with ours in the Continuance of it.

Signed p Order Geo. Plater Cl. Up. Ho.

This House Adjourns till to Morrow Morning Eight of the
 Clock

Tuesday Morning Octo^r the 26th 1725

U. H. J.

This House met Again according to Adjournment
Present as yesterday Except James Bowles Esq^r
This House having set as A Court of Appeals this day does
Adjourn till to morrow morning Eight of the Clock.

Wednesday morning Octo^r the 27th 1725

This House met Again According to Adjournment

Present

the honble {	Col ^o William Holland	Phile Lloyd Esq ^r
	Col ^o Sam ^l Young	John Rousby Esq ^r
	John Hall Esq ^r	Benja ⁿ Tasker Esq ^r
	Col ^o Rich ^d Tilghman	Phil Lee Esq ^r
	Col ^o M. T. Ward	

On reading the Message of the 25th Instant by Col^o Mackall
and Col^o T. T. Greenfield the following answer was prepared
thereto

By the Upper House of Assembly Octo^r the 27th 1725
Gentlemen.

We Agree with your Message of the 25th instant by Coll^o p. 53
Mackall and Col^o T. T. Greenfield relating to the Report of
the Conferrees only think it needful that Provision be made
in the Bill to restrain any person or Persons, as Chamber
Councill or Councillours from taking or Exacting any fee or
ffees in money or otherwise other than such fee or fees as the
Wisdom of the Legislature shall think meet to Allow them,
for if such Liberty be given to Chamber Councillors we Con-
ceive the good intent of the Bill for regulating Attorneys fees
will be found Ineffectual and further we Conceive it necessary
that Care be taken in the Bill that Attorneys Councillors &c^a
May be prevented from taking money from their Clyents
under pretence of selling them the Tobacco they are by Law
to receive of such Clyents.

And we likewise deem it reasonable to Allow Attorneys
riding the Circuit besides the fee for attending the Provincial
[Court] some reasonable Allowance.

Signed p Order Geo. Plater Cl. Up. Ho.

Sent by Col^o M. T. Ward who returns and says he Deliv-
ered it.

A Bill from the Lower House by M^r Dent and M^r Waughop
Entituled An Act to Enable John Speake Junior of Prince

U. H. J. Georges County to Confirm an Entailed tract of Land &c^a
thus Endorsed viz..

By the Lower House of Assembly Octo^r the 26th 1725
Read the first and second time by Especial Order and will
pass

Signed p Order M. Jenifer Cl. Lo. Ho.

Which was read and Ordered to be further Endorsed viz.

By the Upper House of Assembly October the 27th 1725
Read and will pass.

Signed p Order Geo: Plater Cl Up Ho.

p. 54 Two bills from the Lower House by M^r Gale and M^r John-
son viz.

A Bill directing the disposall of Servants Committed for
want of Security.

A Bill for the Relief and Release of poor Distressed Pris-
oners &c which were severally thus Endorsed,

By the Lower House of Assembly Octo^r the 26th 1725
Read the first time and ordered to lye on the Table

Signed p order M. Jenifer Cl. Lo. Ho.

By the Lower House of Assembly Octo^r the 27th 1725
Read and will Pass

Signed p order M. Jenifer Cl. Lo Ho.

Which first bill being read is ordered to be thus Endorsed

By the Upper House of Assembly Octo^r 27th 1725
This Bill being read will not pass

Signed p Order Geo. Plater Cl Up Ho.

Sent down by John Rousby Esq^r who returns and says he
delivered it.

The Report of the Com̄ittee of Aggrievances with a Mes-
sage from the Lower House relating thereto by Captain
Hooper and Captain Gordon which Report and Message are
as follows viz.

By the Committee of Aggrievances October the 19th 1725

Your Committee humbly offer it as an Aggrievance that the
Province should be put to a Vast Charge in the Repair of the

Records which tis thought will Exceed £1000 whilst the particular Officers enjoy the full benefit of those Offices great part of the perquisites whereof arise from those very Records that are now so much worn by constant Use and particularly that the Secretarys Office from which arises the greatest part of the Charge has for some years been of Above 1000 £ p Annum benefit to the Officer It is therefore humbly offered whether it be not just and reasonable that such Offices as are of so Considerable an Advantage to their possessors should not bear their own Charge and the Province be reimburs't by a Sequestration of such a proportion of the Annual Profit of each office to the Use of the publick as may in a reasonable time amount to the whole disbursement that thereby every Charge may have its proper Discharge which is humbly submitted to the Consideration of the House.

Signed p Order Sam^l Hepburn Cl. Com

By the Lower House of Assembly Octo the 27th 1725.

May it please Your Honours

On reading the report of the Committee herewith sent this House Concurr's therewith and desire that some Members of Your house by your Honours to be appointed may be joyn'd with John Beale Esq^r and Captain John Rider whom we have appointed of our House in a Committee to view the several Records that have been made in the time of the several Officers that have and now do Enjoy the profits thereof and report in what Condition they now are.

Signed p Order M. Jenifer Cl Lo Ho.

Which Report and Message being read the following Answer was prepared thereto

By the Upper House of Assembly Octo^r the 27th 1725
Gentlemen

We Agree with you in your Message by Captⁿ Hooper and Captⁿ Gordon that the Charge of repairing the Records is very great and an Aggrievance to this Province but know not how it can be now Avoided The method you propose of obliging the Officers to repair the Records we think to be unreasonable because by that means we should punish one man for anothers fault a great part of the Impairs in the Records being occasioned by other Officers then those who are now in Possession of them Therefore we cannot think of any other way than repairing them at the publick Charge and when they are so repaired the several Officers have Already

U. H. J. given Bond to keep them in Repair for the future which will secure the country from any such Charge hereafter

Signed p Order Geo: Plater Cl. Up. Ho.

Sent down by John Hall Esq^r Who returns and says he Delivered it.

Read the Bill for Relieving the Inhabitants from some Aggrievances &c which is Ordered to be thus Endorsed viz.

By the Upper House of Assembly October the 27th 1725

The Bill will Pass with this Provision that where any Sheriff^e or Sheriffs have Actually paid money to any Officer or Officers on Account of fees put into their hands to Collect and have not received the said fees that the Officer or Officers reimburse the said Sheriff^e or Sheriffs the several sums of money so paid

Signed p Order Geo Plater Cl Up. Ho.

Sent by John Rousby Esq^r who returns and says he Delivered it.

A Message from the Lower House by M^r Walter Smith & M^r Waughop Viz.

By the Lower House of Assembly Octo^r the 27th 1725

May it please Your Honours

p. 57 We Concur with your Hon^{rs} that the Continuance of the Practice of signifying the Assent of both Houses to Engrost Bills has been as Asserted and think ourselves happy in your Hon^{rs} good Inclination to avoid unnecessary debates with us which we shall with equal Endeavours study to Avoid with your Hon^{rs} on all occasions that may happen in Contest betwixt us, But as on this Occasion we only insist upon the Renovation of an Antient practice, we pray your Hon^{rs} Concurrence with it and his Hon^r the Govern^r may either peruse the Engrost bill while in your House or the paper bill whenever he shall please to send for it from ours

Signed p Order M. Jenifer Cl. Lo. Ho.

On Considering which Message the following Answer was prepared thereto

By the Upper House of Assembly Octo^r the 27th 1727
Gentlemen.

In Answer to your Message by M^r Smith and M^r Waughop we are sorry that you still insist upon our Sending down the

Engros'd bills to yo^r House without giving us any other U. H. J.
reason than that many years ago there was such a practice
Notwithstanding by our former Message & Your own Ac-
knowledgement it appears that practice has been altered ever
since the Year 1715 and we think we have plainly made ap-
pear to your House that the present practice is most reason-
able Convenient, and Conducive to the dispatch of the publick
business We cannot Apprehend wherein you can Imagine
any Injury done to the priviledges of Yo^r House by this prac-
tice or what Inconveniency you can suppose may arise from it;
and as we are a part of the Legislature we think we ought to
have one part of the Bills in our house for our perusall during
the Continuance of the Sessions We therefore hope you
will not longer Insist upon this Affair to the delay of the
publick business but Joyn your Endeavours to finish this
Sessions.

Signed p order Geo: Plater Cl. Up. Ho. p. 58

Sent by Benja Tasker Esq^r who returns and says he Deliv-
ered it.

A Bill from the Lower House by M^r Benjamin Mackall &
Captain Harrison Entituled An Act Reviving and Continuing
An Act Entituled An Act for raising of Three pence p hhd
on all Tobacco Exported out of this province for the uses
therein mentioned thus Endorst Viz.

By the Lower House of Assembly Octo^r the 27th 1725

Read the first and Second time by Especial order and will
pass

Signed p order M. Jenifer Cl. Lo. Ho.

Which being Read is Ordered to be thus further Endorsed
viz.

By the Upper House of Assembly Octo the 27th 1725

Having Considered that the Bill for raising the three
pence p hhd and the Bill for Support of his Lordships Govern-
ment Expire at the same time and that 'tis probable an
Assembly may be Called before the 29th of September next
we conceive it will not be Improper to Defer the Revival of this
Bill untill the Assembly's next meeting.

Signed p Order Geo Plater Cl. Up. Ho.

Sent by Phill Lee Esq^r who returns and says he Deliv-
ered it.

U. H. J. A Bill from the Lower House by M^r Beale and M^r Warfield Entituled A Bill to Enable Orlando Griffith & Uxor to sell the Moiety of a Tract of Land hereafter mentioned and for the Entailing other Lands in lieu thereof thus Endors'd

p. 59 By the Lower House of Assembly Octo^r the 27. 1725
Read the first and second times by Especial Order and will pass

Signed p Order M. Jenifer Cl. Lo. Ho.

Which Bill being read was ordered to be further thus Endorsed viz.

By the Upper House of Assembly Octo^r the 27th 1725
Read and will pass.

Signed p order Geo. Plater Cl. Up. Ho.

Sent by Benj^a Tasker Esq^r who returns and says he delivered it with the Bill relating to Serv^{ts} that want Security &c^a

A Message from the Lower House by Coll^o Belt and Captain Crabb viz.

By the Lower House of Assembly October the 27th 1725
May it please Yo^r Honours

There being now in the publick Goal two Servants Committed for want of Security, who have lain there a Considerable time at the Common Expence of Imprisonm^t which will either be a dead Charge to the Sheriffe or the publick, and forasmuch as we have no houses of Correction work houses or other publick houses to Oblige them to Earn their fees in, we know of no other method than what is proposed by the Bill herewith sent to you to prevent such Unavoidable Charge to the Sheriffe or the publick and Inconveniencies to the prisoners themselves Wherefore we pray your Honours that the Bill may pass or that you will be pleased to Communicate your objections to us why the same will not pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

p. 60 This House Adjourns till to Morrow Morning Eight of the Clock.

Thursday Morning Octo^r the 28th 1725

This House met Again According to Adjournment. Present as Yesterday.

Read the Message by Captain Crabb and Col^o Belt Yesterday to which the following Answer is prepared. U. H. J.

By the Upper House of Assembly October the 28th 1725
Gentlemen.

If the two Servants you mention in your Message Yesterday by Captain Crabb and Col^o Belt were Committed to Goal for any Crimes or Misdemeanours Committed by them, we admire they should remain there so long and not be brought to a Tryal by which means they would be found Guilty and receive due punishment or be acquitted and returned to their Masters Service as our Law relating to Criminal Servants directs, But if they were only Committed upon Suspicion of Misbehaviour and after having lain so long in prison (no Act tending thereto can be proved Against them) we are of Opinion that they ought to be Released and returned to their Masters who after the Expiration of their Service are obliged by an Act of Assembly for paym^t of Criminal Servants fees to Deliver them up for the payment of their fees or pay their fees for them. If you please to read the aforesaid Act of Assembly we believe you will find Sufficient provision therein made for the present Case and we think we ought to have the same tender regard for the propertys of Masters in their Servants as that Legislature had, for which reason we have refused p. 61 to pass yo^r bill.

Sign'd p Order Geo. Plater Cl Up Ho.

Which Message and Bill was sent down by John Hall Esq^r who returns and says he delivered them

A Bill from the Lower house by M^r Denton and M^r Gordon Entituled A Bill Declaring Probats of Deeds or other matters or Acknowledgments of deeds taken before two Magistrates of the City of Annapolis to be good and Valid in Law thus Endorsed, Viz.

October the 28th 1725

Read the first and second time by especial Order and will pass

Signed p order M. Jenifer Cl Lo Ho.

Which being Read is ordered to be further thus Endorst Viz.

By the Upper House of Assembly Octo^r the 28th 1725
Read and will pass.

Signed p Order Geo: Plater Cl. Up. Ho.

U. H. J. Sent down by Col^o Ward who returns and says he Delivered it.

Read the Bill for Relief and Release of poor prisoners &c^a which was ordered to be thus Endors'd viz.

By the Upper House of Assembly Octo the 28th 1725
Read and will pass.

Signed p Order Geo: Plater Cl. Up. Ho.

Sent by Col^o Ward, Who returns and says he Delivered it.
A Message from the Lower House by Col^o Ward and M^r Wright as follows

p. 62 By the Lower House of Assembly October the 28th 1725
May it please Your Hon^{rs}

We are very sorry to find our selves mistaken when we understood by yo^r Message of the 25th Instant that you were far from desiring to Enter into Unnecessary Debates with us You are pleased to say you cannot Imagine any Injury done to the priviledge of our House by the practice you insist on or what Inconvenience may arise from it. You will please to Observe every Innovation contrary to a good Constitution is an Injury to it and the practice we pray a Renovation of has been the constant practice Used and Approved during the Government of his Lordships Ancestors and of the Crown and only Suffered Alteration in the beginning of his present Lordships Domⁿ without any notice being taken of it, by either House that Appears on the Journals and consequently without Argument, and Alterations of Antient Customs thus made Sub Silentio are never accounted of weight Sufficient to Sanction them Every Innovation is to be Carefully watched against by those that like and have mind to preserve their Establishment There may happen Ilconveniences by Alterations that we may not foresee at the time of making them, but may afterwards feel by bad Experience when it may be insisted on as too late to remedy them. An Instance of this your Hon^{rs} give us by insisting now on a Ten years practice crept in amongst us unobserved, without any Sanction against the general practice of former times. We therefore think it our Duty to interpose in time that this young obstacle to old experience, may not it self grow stiff through Age and Obstinate by Use; Your Honours give us Occasion to remark that tho you be an Acting Body in this Legislature, Yet it is We that are the Peoples Representatives for whom all Laws

are made and human Government Establisht Your Honours U. H. J.
seem to be assistants to Prerogative and dependant on it
rather than a State in which the people place a Confidence
Dependant on it we may be allowed to say since your Hon^{rs} p. 63
at the time when you were pleased to think it your Glory and
Priviledge to Assimilate your Constitution to that of Great
Brittain in its three Estates of Legislature were pleased to
declare it his Lordships undoubted Right to Discharge at
pleasure any member of his Councill and Consequently of
your House as you there agree, which things when your
Hon^{rs} fully Consider, we hope you will not so much Insist on
Your having the sole keeping of the Bills prepared for the
Assent But that you will agree to trust our Speaker with the
presenting them to his Honour the Governour for his As-
sent as hath been Usual who for Dispatch may appoint two
or more of our Members to see the Seal affixed and fiat wrote
to them according to former practice in readiness for his
Hon^{rs} Sanction who by the perusal of them at the oppor-
tunitys Mentioned in our late Message, may be well Apprised
whether they be proper for his Assent or not Yo^r Hon^{rs} Con-
clusion in this matter will Demonstrate how far you are
pleased to Decline Unnecessary Debates with us

Signed p Order M. Jenifer Cl. Lo. Ho.

To which Message the following answer was prepared viz.

By the Upper House of Assembly Octo^r the 28th 1725
Gentlemen

You were not mistaken when you understood that we were
far from desireing to Enter into Unnecessary Debates with
your House, for so we really were and are. But we are not
(to avoid Debates) Obliged to Submit our Judgment to your
demands as often as you are pleased to require things of us,
which we do not think reasonable to Comply with, and your
persisting in those debates rather lays the Imputation of pro- p. 64
moting that at your Doors, than ours. We once more
Observe to you that we do not find any certain rule has been
ever made in the Case now debated but that the practice has
been various and since the latest tho' of no longer a Continu-
ance than Ten or Eleven years for the reasons given in our
former Messages is in Our Opinion the best, we cannot con-
sent to depart from it. If you please to Consult the former
Journals of both Houses of Assembly you will find many
Alterations in the Practice of both Houses in things of much
greater Consequence than this at present in Debate and that
without any Express Resolutions Concerning them and if we

U. H. J. should without any other reasons than that such practices formerly prevailed insist Upon a Renovation of them notwithstanding the present Practice were most Convenient, we should spend a great deal of our time and the Countreys mony to little purpose. Notwithstanding the invidious remark you are pleased to make of our being only Assistants to the prerogative we Suppose ourselves to be an intermediate Estate between the prerogative and the Liberties of the people, and tho dependant on the prerogative as to our Continuance, yet free to Act for the good of both; and whether you or the people will be pleased to Confide in us or not we shall Endeavour to Discharge our Dutys with a good conscience according to the best of our Understanding We do not remember that we ever yet denied to trust your Speaker with the Engrost Bills to present to his Honour the Governour for his Assent when the Business of this Session is ripe for a Conclusion or said any thing to hinder any of yo^r Members from seeing them seal'd, all we insist on being only that those Bills should remain here till that time for the perusall of his Hon^r the Governour And this House If you Concurr with us
p. 65 in this the Bills may be sent to your house time enough for the purpose you propose

Signed p order Geo. Plater Cl Up Ho.

Sent down by John Rousby Esq^r who returns and says he delivered the message

Four Engrost bills from the Lower House without their Assent Appearing to the same, whereupon the following message is sent down with the said Bills viz.

By the Upper House of Assembly Octo^r the 28th 1725
Gentlemen

The Method of sending up Engrost Bills to this House without yo^r Assent appearing thereto seems to be an Innovacon which is the very thing you Complain of in yo^r Messages; we have therefore thought fit to return the same Bills for your further Consideration and Assent

Signed p Order Geo: Plater Cl Up. Ho.

Which Bills and Message were sent down by Benja Tasker Esq^r

Who returns and says he Delivered the same

A Message (with the Bill relating to Servants) from the

Lower house by M^r Harrison and M^r Johnson w^{ch} Message U. H. J.
is as follows viz.

By the Lower House of Assembly October the 28th 1725

May it please Your Honours

The two Servants we mention in our Message of the 27th stand Comitted as Persons of Evil fame for want of Security for their good behaviour and if they were tryed Convicted and punished in any manner saving Life the same reason for securing the publick peace might Subsist as well after punishment as before and even after an Acquittall, for the End of Security for the peace is not to punish Crimes but to prevent them: and as the preventative Justice is of all others the most p. 66
Conducive to the well being of any people, we hope yo^r Hon^{rs} will not Insist on any thing that looks like depriving us of it The Case of Criminal Servants fees and the Act relating to it no more Exempts Servants from being bound to their good behaviour than the Statute of the 4th of his Majesty deprives his Subjects of having the peace Secured to them against Convicts and therefore we think that Act Concerns not this Argument We cannot think a restraint by Imprisonm^t from Misbehaviour can be any Evidence of good behaviour unless it be a vertue in any One not to do what he cannot do, and if there were Cause at first to Committ such persons the same Cause seems to Continue without Alteration for it may be presumed some person would be prevailed with in favour of Liberty to be their Security in so small a Sum as is generally Expected on such occasions were not their behaviour so notoriously bad that all the Assurances of reformation they could give whilst in Goal could not prevail with any to trust them, and if no Single Subject will trust to their good behaviour for 10^t or 15^t why should the whole of every Subjects moveable Estates as well as person be Exposed to the Depredations of such unruly people Where Servants are return'd to their Masters after punishment without Exacting Security it is generally where Masters or others are not under ill Apprehensions concerning them. But we hope yo^r Hon^{rs} will not insist on its being matter of right for the Servants to be Exempt from being bound to his good Behaviour because he has been either acquitted or Convicted of a Crime tho the Magistrate see Cause for it for as we Esteem it to be the duty of every Legislature to have a tender regard to the property of Masters we think it much more so, to have a tender regard for the preserving the publick peace in which not only the property of Masters but of every other Subject is effectually concerned And we pray yo^r Hon^{rs} to Consider what other p. 67

U. H. J. Remedy can be proposed in the Case that gave Rise to the Bill sent you One of the persons committed is a Servant whose Master dare not be Security for him nor dare Suffer him at large without Security he having declared his resolution to burn his Masters house on his first gaining his Liberty. The only remedy in this Case and all such we Conceive to be to sell them out of the province or to such as will be security for them If your Honours can propose any better remedy we shall gladly fall in with it; if not we pray the Bill may pass as it is in favour of the Masters property the Servants liberty and the Security of the publick peace.

Signed p order M. Jenifer Cl Lo. Ho.

Which is ordered to lye on the Table
Four Engrost Bills from the Lower House by Coll Belt and Captain Gordon with the following Message viz.

By the Lower House of Assembly October the 28th 1725
May it please Your Hon^{rs}

We herewith send yo^r Honours the Engrost bills, with our Assent Subscribed in Confidence of your returning them and all others in like Case time enough to this House before the Conclusion of this or any other Sessions that this House may be possessed of them and see the Seals affixt to them all before any one Bill in this or any other Sessions have the Governours fiat to it This we take to be the Amount of your proposalls in the Case and we rely on it accordingly always saving to this House its due and Accustomed Priviledges

Signed p order M. Jenifer Cl. Lo Ho.

Which Bills are as follows viz.

p. 68 An Act Entituled An Act for Dividing great Choptank Parish in Dorchester County and for Erecting a parish out of the same called by the name of S^t Marys White Chappell

An Act Entituled An Act to Encourage the takers up of runaway Slaves that shall be taken up by any person and brought in from the back woods

An Act Entituled An Act declaring probates of Deeds or other matters and Acknowledgments of Deeds taken before two Magistrates of the City of Annapolis to be good and Valid in Law

An Act Entituled An Act Relieving the Inhabitants of this province from Sundry Aggrievances they lye under Oc-

caused by the Scarcity of Tobacco within this province in U. H. J.
the Year 1724 thus Subscribed viz.

By the Lower House of Assembly Octo^r the 28th 1725
Read and Assented to by the Lower House of Assembly and
Signed p order M. Jenifer Cl Lo. Ho.

Which were likewise read and Assented to by this House
and ordered to be so Severally Subscribed.

And the Paper bills so Endorst sent down by Col^o Ward
who returns and Says he delivered them.

Two Bills from the Lower House by M^r Smith and M^r
Denton viz

A Bill for the removing the Court House from Battle Creek
in Calvert County and for Building a Court House for the
said County on or near that place in the said County com-
monly Called and known by the Name of William's Old field
and for making Sale of the Old Court house and prison and

A Bill for the Naturalization of Michael Ury of Prince
Georges County a Greek which were separately thus En-
dorsed viz.

By the Lower House of Assembly Oct. the 28th 1725
Read the first and second time by Special Order and will p. 69
pass

Signed p Order M. Jenifer Cl. Lo. Ho.

Which being read was Ordered to be further Endorst Viz.

By the Upper House of Assembly October the 28th 1725
Read and will pass.

Signed p order Geo. Plater Cl. Up. Ho.

Sent by John Hall Esq^r who returns and says he deliv-
ered them.

A Bill from the Lower House by Col^o Mackall and M^r King
Entitled An Act for Limittacon of Officers fees thus En-
dors'd viz.

By the Lower House of Assembly October the 28th 1725
Read the first and Second time by Especial Order and will
pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

U. H. J. Ordered to lye on the Table.

This House Adjourns till to Morrow Morning Eight of the Clock

Friday Morning October 29th 1725.

This House Met Again According to Adjournm^t
Present as Yesterday

Col^o Belt and Captain Crabb attend with M^r Gant a Member Elected for Prince Georges County to see him Qualified

Whereupon the said Thomas Gant takes the Oaths to the Governm^t appointed by Act of Assembly and Subscribes the Oath of Abjuration and Test according to the Directions of the said Act and then they withdrew

Read the Message yesterday by M^r Harrison and [M^r] Johnson with the Bill relating to Servants to which the following Answer is prepared viz.

p. 70 By the Upper House of Assembly October the 29th 1725
Gentlemen.

In yo^r Message of the 28th Instant by M^r Harrison and M^r Johnson relating to the Bill directing the disposall of Servants for want of Security for their good behaviour you tell us You hope we will not Insist upon any thing that looks like Depriving you of preventative Justice which plainly Implys a Surmise that we are going About to do it. We are very well Assured that in our former Message relating to this Bill we have not used any Expression that can be a just foundation for such a Suspicion and are very sorry to find our selves often treated with such unjust Reflections in your Messages rather as Enemies to our Country and Subverters of Justice than as an Upper House of Assembly. May we not differ with you in Opinion about some things debated between the two houses without being suspected of having Intentions to deprive you of Justice or invade your priviledges? We desire that you will be pleased to Consider that such measures instead of Cultivating a good Understanding between us directly tends to a breach of it and therefore we hope you will forbear such Treatment for the future. It seems strange to Us why you should give yourselves the trouble of Composeing so long a Message consisting of repeated Assertions of the necessity of preserving the publick peace and that Servants are not Exempted by the Act for payment of Criminal Servants fees from being bound to their Good Behaviour things not any where denyd in our former Message for we have as great a regard to the preservation of the publick peace

as you, and we have only referr'd to that Law as a Sufficient U. H. J. provision for the paym^t of Criminal Servants fees without Injuring the property of their Masters by the Exposing them to Sale according to the unreasonable directions of the bill now in Debate and we now take leave to Observe to you that altho' the Act before mentioned does not Exempt Serv- p. 71 ants Acquitted of Crimes from being Oblig'd to give Security for their good behav^r yet as it directs they shall be returned to their Master without any Condition Express Obligeing them to give such Security we may from thence reasonably Inferred an intention in the Law of Excusing them unless in Extraordinary Cases and Agreeable to this has been the practice of the Magistrates who since the making of that Law very Seldom require any such Securities and this we take to be a prudent Indulgence to the property of the master which ought not to be Invaded unless in Cases of necessity. As to the Case of the two Serv^{ts} if it be a favour to the Masters property or that they are afraid to Bail them no Doubt but they will Consent their Servents Should be sold either out of the Province or to such as will be Security for them and this may be done without a Law to Oblige them; besides we cannot think it reasonable to make a General Law for remedying a particular Case and Invest the Magistrates with An Arbitrary power of obligeing Masters to sell their Servants or be Security for them upon every slender Surmise of Misbehaviour; so long as those Servants persist in such Obstinate mischievous resolucons (as you mention in your Message) the place where they are is fittest for them and whensoever they shall show any disposition to repentance and amendment whereby the Magistrates may be induced to release them sufficient provision is already made for the payment of their fees. For the reasons in this and our former message we cannot Consent to pass the Bill.

Signed p Order Geo. Plater Cl. Up. Ho.

Sent by John Hall Esq^r who returns and says he Delivered the Message

Three Engrost bills from the Lower House by M^r King p. 72 and M^r Denton viz.

An Act Entituled An Act for Building a New Court House in Calvert County

An Act to Enable John Speake Junior of Charles County to Confirm a Tract of Entailed Land lying in Prince Georges County unto the purchasers thereof and to Entail certain Lands in Charles County in lieu thereof and

U. H. J. An Act Entituled An Act for the Relief and Release of poor distressed prisoners for debt which were severally Subscribed as follows viz.

By the Lower House of Assembly Oct^r the 29th 1725
Read and Assented to by the Lower House of Assembly
and

Sign'd p Order M. Jenifer Cl. Lo. Ho.

Which were read and Assented to by this House and Ordered to be so subscribed

And the paper bills so Endorst were sent down by Coll Ward who returns and says he deliver'd them.

A Message from the Lower House by M^r King and one more with the Bill relating to Servants viz.

By the Lower House of Assembly
October the 28th [29th] 1725.

May it please your Honours

Notwitshtanding your Message of this day by John Hall Esq^r we shall still persist in our Resolution of declining all unnecessary debates with you and shall Act both with respect to you and as becomes the peoples Representatives; if by yo^r Message of the 28th Instant you did not give us reason to believe that you were of opinion no Servants ought to be Committed but for some misbehaviour or Offence Actually committed we misconceived it. We demonstrated in our former message an Evil that wanted a remedy, we propos'd a remedy by this Bill, and begg'd you if you did not like it to propose a better. You neither seem to like it nor propose any other, and tis plain the Acts already in force provide not in the Case. It follows then that an Evill remains which we endeavour (but you Decline) to remedy, our Duty nevertheless obliges us to insist upon yo^r further Consideration of the Evil complained of, and the Bill proposed to redress it.

Signed p Order M. Jenifer Cl. Lo. Ho.

Ordered to lye on the Table
This House adjourns till to morrow Morning Eight of the Clock

Saturday Morning October the 30th 1725
This House meet Again According to Adjournment.
Present as Yesterday

Read the message with the Bill relating to Servants to U. H. J. which this House returns the following Answer viz.

By the Upper House of Assembly October the 30th 1725
Gentlemen.

We are still of opinion that the Laws now in force sufficiently provide against the Evils Complained of in yo^r Bill directing the Disposal of Servants &c & therefore Cannot Consent to pass it

Signed p Order Geo. Plater Cl Up Ho.

Sent down by Col^o Ward who returns and Says he Delivered it

An Engrost Bill from the Lower House by Captain Crabb and M^r Gant entituled An Act for the Naturalization of Michael Ury of Prince Georges County a Greek thus sub- p. 74 scribed viz.

By the Lower House of Assembly October the 30th 1725
Read and Assented to by the Lower House of Assembly
and

Signed p Order M. Jenifer Cl. Lo. Ho.

Which Bill was Read and Assented to by this House & ordered to be so Subscribed.

And the paper bill so endorsd was sent down to the Lower House by Benjamin Tasker Esq^r who returns and says he delivered it

An Engrost Bill from the Lower House by M^r Warfield & M^r Kirk Entituled An Act to Enable Orlando Griffith and Katherine his Wife to sell the Moiety or half part of a certain Tract of Land hereafter mentioned and for the Intailing other Land in lieu thereof thus Subscribed viz.

By the Lower House of Assembly October the 30th 1725
Read and Assented to by the Lower House of Assembly
and

Signed p order M. Jenifer Cl. Lo. Ho.

Which was read and Assented to by this House and ordered to be so Subscribed

And the Paper Bill so Endors'd was sent down by Benjamin Tasker Esq^r who returns and says he Delivered it

U. H. J. Also A Bill Entituled An Act for destroying Squirrels thus Endorst viz.

By the Lower House of Assembly October the 30th 1725
Read the first and Second time by Especial order and will pass

Signed p order M. Jenifer Cl. Lo. Ho.

Which is Ordered to lye on the Table.

p. 75 A Message from the Lower House by M^r Dashiell and M^r Denton viz.

By the Lower House of Assembly October the 30th 1725
May it please Your Honours

We desire to know whether yo^r Hon^{rs} will be pleased to joyn some of the members of yo^r House with some of ours to Consider of the Subject Matter of an Address and to prepare An Address to his most Sacred Majesty accordingly and that your Hon^{rs} will be pleased to Appoint the time and place of meeting

Signed p order M. Jenifer Cl. Lo. Ho.

Ordered to lye on the Table

This House Adjourns till Monday Morning Eight of the Clock.

Monday Morning Nov^r the 1st 1725

The House met Again According to Adjournment

Present

the Hon ^{ble}	{	Col ^o William Holland	Phile Lloyd Esq ^r
		Col ^o Samuel Young	Benjamin Tasker Esq ^r
		John Hall Esq ^r	Phillip Lee Esq ^r
		Col ^o Richard Tilghman	

Read the Message on Saturday by M^r Dashiell and Denton to which the following Answer was prepared viz.

By the Upper House of Assembly November the 1st 1725
Gentlemen.

Your Message relating to An Address to his most Sacred Majesty leaves us intirely in the dark; we therefore Sollicite you to Explain yourselves, in Express Terms, on what particular head you are desirous some of the members of this House should joyn with yours in relation to that matter

Signed p order Geo: Plater Cl. Up. Ho.

Sent down by John Hall Esq^r who returns and Says he U. H. J. delivered it

The following Message was prepared and sent by Col^o p. 76 Rich^d Tilghman to the Lower House viz.

By the Upper House of Assembly November the 1st 1725
Gentlemen

You may well perceive by his Lordships Speech delivered to both Houses of Assembly at the Opening of this Sessions, that we are not to expect any gratuity from his Lordship for our Service as a Councill of State out of the Money raised for the Support of Governm^t This Obliges Us Again to apply to you for what we take to be our just right for our Service in Councill viz 150^t of Tobacco p day with Itenerent Charges as Usual, which Use or Custom we find grounded upon an Agreement betwixt the House of Delegates and Governour and Council in an Assembly held in September and October Anno Domini 1694 An Authority not heretofore quoted or Discovered which Agreement Succeeding Assemblies would not reced from, when the then Governour propos'd a Standing Sallary for the Councill in money, but insisted that the Allowance of 150^t of Tobacco p day was well settled and so it appears to have been; for we do not find it disputed till very lately

Gentlemen

We desire you will impartially Consider this Affair and then we promise our selves that we shall not be distinguished from the rest of our fellow Subjects by being obliged to Serve the publick at our own Expencc

Signed p Order Geo: Plater Cl. Up. Ho.

Read the Bill for destroying Squirrells which is Ordered to be thus Endorst viz.

By the Upper House of Assembly Nov^r the 1st 1725

This Bill being read will pass with this Amendment (Squirrels Scalps or Crows heads) instead of Squirrels heads or Scalps in the Sixth line with an Addition to the Title

Signed p order George Plater Cl. Up Ho.

Sent down by Philip Lee Esq^r who returns and says he delivered it

U. H. J. A Message from the Lower House by M^r Dashiell and
p. 77 Goldsborough as follows viz.

By the Lower House of Assembly November the 1st 1725
May it please your Hon^{rs}

We thought it not improper for the Conferrees to be appointed to have Communicated the Sense of each House, either to other, concerning the Subject of the Address proposed; but since for reasons we cannot guess at, you decline this method it is the Subject of our late Address to his Majesty and the great Damage we Suffer by Importation of Convicts, which we propose to be Considered of; and such other matters as may occur to the Conferrees which they may think proper to refer to both Houses

Signed p Order M. Jenifer Cl. Lo: Ho.

To which Message the following Answer was prepared viz.

By the Upper House of Assembly Nov^r the 1st 1725
Gentlemen.

In answer to yo^r Message this day by M^r Dashiell & M^r Goldsborough many of our members being this morning out of Town, as soon as a Sufficient number shall Appear, we will appoint Two of our House to joyn such Members of yo^{rs} as you shall think fit in a Conference on the Subject matter therein mentioned and give notice accordingly.

Sign'd p Order Geo: Plater Cl. Up. Ho.

Sent by Col^o Tilghman who returns and says he delivered it.

A Message from the Lower House by Captain Hooper and M^r Gordon viz.

By the Lower House of Assembly Nov^r the 1st 1725
p. 78 May it please Your Honours

Upon Considering the Bill for Relieving the Inhabitants from some Aggrievances &c^a We find the Terms of it so Generall that it is doubtfull whether some Persons may not unjustly suffer by it and therefore desire Your Hon^{rs} will Consent to the Adding a Clause in the Engrost bill to Except traders and such other persons as in Equity ought to be provided for out of it.

Signed p order M. Jenifer Cl. Lo. Ho.

To which Message the following Answer was prepared viz. U. H. J.

By the Upper House of Assembly Nov^r the 1st 1725

Gentlemen

This House Agrees with the proposall made in your Message by Captain Hooper and Gordon relating to the Clause to be added to the Bill for relieving the Inhabitants from some Aggrievances therein mentioned.

Signed p Order Geo. Plater Cl. Up. Ho.

Sent by Benjamin Tasker Esq^r who returns and says he Delivered it.

A Message from the Lower House by M^r Harrison and M^r Tilden (viz)

By the Lower House of Assembly Nov^r the 1st 1725

May it please Yo^r Hon^{rs}

We cannot but admire at yo^r Hon^{rs} Still being of opinion that the Laws now in force sufficiently provide against the Evils desired to be remedyd in our Bill directing the Disposall of Servants &c^a Were there not Instances given you of two persons now in Goal who cannot be Releas'd without Endangering his Majestys peace, nor can be kept Confined without Burthening the Sheriffe with their maintainance, and the masters with the Total loss of their Servants; we might think your Hon^{rs} were only mistaken in the Case But since the Law you mention relating to Criminals ffees, nor any other Law we know of any way provides against the Inconvenience we give your Hon^{rs} a present Instance of, and that those persons Comitted can't be restored to their Liberty without a Violent Infringement of that right the people have by the Statutes of England and his Lordships Charter to have the publick peace Secured to them, and that the Masters have no Benefit of their Servants labour whilst Imprisoned nor can they sell them from the Sheriffs Custody whilst they are by Legal Comittment to be kept there: we cannot but think your not Assenting to this Bill must proceed from other motives than what you are pleased to mention to us. If there be any remedy provided in this Case Yo^r Hon^{rs} have not shewn us by what Law, nor have the Magistrates or parties Concerned had any knowledge or benefit of such remedy nor are we able to find one for them from any the Laws now in force, tho' Your Hon^{rs} are pleased to suppose one. If therefore the remedy be such A one as is unknown or impracticable it deserves not the name of remedy; but gives sufficient grounds for such a Bill as we propose; But if notwithstanding the

p. 79

U. H. J. Clearest Demonstration of an Evil without A remedy, you refuse to joyn with us in a remedy, we shall desire you to Consider how far in such a Case each House Acts According to their duty in this Legislature

Signed p order M. Jenifer Cl. Lo. Ho.

Ordered to lye on the Table

An Engrost bill from the Lower House by M^r Pemberton and M^r Tilden Entituled An Act for destroying Squirrels and Crows thus Subscribed viz.

p. 80 By the Lower House of Assembly Nov^r the 1st 1725
Read and Assented to by the Lower House of Assembly &
Signed p Order M. Jenifer Cl. Lo. Ho.

Which was read and Assented to by this House and Ordered to be so Subscribed And the Paper Bill so Endorst sent down by Phil Lee Esq^r who returns and says he delivered it

A Message from the Lower House by Captain Dashiels and M^r Wilmer viz

By the Lower House of Assembly November the 1st 1725
May it please Yo^r Hon^{rs}

As we hope this Sessions is near an End we beg your Hon^{rs} will be pleased to dispatch the Bill for Limittation of Officers fees, as soon as Conveniently you can that if yo^r Hon^{rs} shall see proper to pass it, both Houses be not detained purely for the Engrossing it

Signed p Order M. Jenifer Cl. Lo. Ho.

A Bill from the Lower House by M^r Hawkins and Goldsborough Entituled An Act reviving the Act for better relief of poor Debtors thus Endors'd viz.

By the Lower House of Assembly Nov^r the 1st 1725
Read the first and second times by Especial Order and will pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

Which being Read is ordered to be further thus Endors'd viz.

p. 81 By the Upper House of Assembly Nov^r the 1st 1725
Read and will Pass.

Signed p order Geo. Plater Cl. Up. Ho.

Sent down by Philip Lee Esq^r who returns and says he U. H. J.
Delivered it.

A Bill from the Lower House by Col^o Mackall and Col^o
Thomas Truman Greenfield Entituled An Act to restrain the
ill practice of Attorneys thus Endorst

By the Lower House of Assembly Nov^r the 1st 1725
Read the first and second time by Especial Order and will
pass

Signed p Order M. Jenifer Cl. Lo. Ho.

Which being read is Ordered to lye on the Table.

This House Adjourns till to morrow Morning Eight of the
Clock

Tuesday Morning Novem^r the 2^d 1725

This House meet again according to Adjournment Present
as Yesterday

A Message from the Lower House by Coll^o Ward and
M^r Maldin viz.

By the Lower House of Assembly Nov^r the 2^d 1725
May it please Yo^r Hon^{rs}

The force of the new Authority yo^r Honours quote to Jus-
tifie yo^r Claim of 150^t of Tobacco p day for Attendance in
private Councils has been in our first debates sufficiently
refuted, that being at a time when the Crown had the Gov-
ernment and when the Revenue was wholly settled for the
Support of the Government and not as it is now for the like
Support and such other necessary Uses of Government as to
his Lordship should seem meet; we pray you will be pleased p. 82
to [be] referr'd to our Message of the 25th of October 1723
as you will readily find it in yo^r printed proceedings page 32
and you may thereby perceive how little Cause you have from
this new found proceeding to renew your Claim.

Signed p Order M. Jenifer Cl. Lo. Ho.

To which Message the following answer was prepared.

By the Upper House of Assembly Nov^r the 2^d 1725
Gentlemen

The reason you give for the reasonableness of the Allow-
ance of 150^t Tobacco p day for the attendance of the private
Council under the Crown viz that the whole Revenue for sup-

U. H. J. port of Government was otherwise applyed, does still evidently subsist, for we have no possibility of coming at any part of the money rais'd for Support of Government, therefore it is reasonable some other provision should be made for us. The Message You are pleased to referr us to of the 25th of October 1723 in your (not our) printed proceedings no ways Convinces us of the Unjustness of our Claim, But rather than delay the publick Business at this time by Contending, tho for an equitable right with an Obstinate People we Shall Deferr further Debates thereon to another opportunity.

Signed p Order Geo: Plater Cl Up Ho.

Sent down by Coll^o Tilghman who returns and says he Delivered it

A Message from the Lower House by Captⁿ Gale and M^r Denton viz.

By the Lower House of Assembly Nov^r the 2^d 1725

May it please Your Honours

p. 83 In pursuance of our Message to yo^r Hon^{rs} of this day by Captain Hooper and Captain Gordon we propose to yo^r Hon^{rs} the following Amendments to the Bill for relieving the Inhabitants &c^a viz. the Adding these words (which have arisen or become due since the 25th day of December 1722) in the 7th line after the words for Levyes or fees and these words (which hath arisen or become due since the time aforesaid) in the Tenth line in the room of the words (due before the 11th day of May 1725) and these words (unless such Sheriff Voluntarily purchased such ffees of such Attorneys or Officers) after these words in the 16th line Attorney or Officer and the adding the following provisoe (that nothing in that Act contained shall be Construed to Prejudice any Merchant or other person trading to and from this province who has Actually bought and paid for any Tobacco) to which Amendments we hope your Honours will Consent

Signed p Order M. Jenifer Cl. Lo. Ho.

To which the following Answer was prepared viz.

By the Upper House of Assembly November the 2^d 1725.
Gentlemen.

We Agree to your Amendments proposed to the Bill for relieving the Inhabitants &c in your Message by Capt Gale and M^r Denton

Signed p Order Geo Plater Cl Up Ho.

Sent by John Hall Esq^r who returns and says he Delivered U. H. J. the said Message

An Engros'd Bill from the Lower House by M^r Dent and M^r Pemberton Entituled An Act for reviving the Act for better relief of poor Debtors thus subscribed viz.

By the Lower House of Assembly Nov^r the 2^d 1725

Read and Assented to by the Lower House of Assembly & p. 84

Signed p order M. Jenifer Cl. Lo. Ho.

Which was read and Assented to by this House and ordered to be so subscribed.

And the Paper Bill so Endorsd was sent down by Col^o Richard Tilghman who returns and says he Delivered it

A Message from the Lower House by M^r Waughop & M^r Skinner (viz.)

By the Lower House of Assembly November the 2^d 1725

May it please Yo^r Hon^{rs}

To Confirm the Instances we have given you of the Inconveniencies this province at present labours under for want of such a Law as what we propose for the Selling Servants Imprison'd, we herewith send yo^r Hon^{rs} for your perusal An Account of Imprisonment fees for the two Servants now in Prison, amounting to betwixt Ten and Eleven Thousand pounds of Tobacco. This Sum has arose due for want of such a Law as we now propose for the Selling them in time whereby the Sheriff might have been paid his ffees without Burthen to the publick and the Masters have had the Overplus and the Servants their Liberty, in some part of the world where there Liberty would be less dangerous to the Com^munity than here. We therefore desire your Honours further Consideration of that Bill.

Signed p order M. Jenifer Cl. Lo. Ho.

To which the following Answer was prepared Viz.

By the Upper House of Assembly Nov^r 2^d 1725.

Gentlemen.

Upon Considering your Messages of the first & second of November relating to two Servants Committed some time agoe to the Common Goal of Annapolis, and the Law proposed for relief therein; we are of opinion that where the remedy proposed for the redress of any Evil Appears to be more mischeivious than the Evil it self Common prudence p. 85 adviseth to the avoiding all such Remedys as hurtfull to the

U. H. J. publick for the mischiefs of Confining Servants so long without bringing them to any legall Tryal Evinceth the mistake of the Magistrate or the Innocency of the party Committed for if any Law for Committing them the same Law without doubt makes provision for their punishment But if the President now before us should give Rise to a Law for relief in the like Cases we are apprehensive that the Servants of many the good people of this Province would stand Committed for very Triffling matters and sometimes for nothing at all and generally Subjected to the Complaints of Malicious Neighbours, who may be born away with a design of injuring the Master rather than any design of punishing the Vice of the Offender an Evill which we cannot consent to bring upon the Inhabitants of this Province By passing a Bill of so Extraordinary a Nature may Carry more evill Consequences with it than we at present can be aware of

Signed p Order Geo. Plater Cl. Up. Ho.

Sent down by Philemon Lloyd Esq^r who returns and says he delivered it

A Bill from the Lower House by Captain Crabb and Captain Gale Entituled An Act for Ascertaining the form of the Oath for Judge or Justice thus Endorst viz.

By the Lower House of Assembly Nov^r 2^d 1725.

Read the first and second time by Especial Order and will pass

Signed p Order M. Jenifer Cl. Lo. Ho.

Which being Read was Ordered to be further thus Endorsed viz.

p. 86 By the Upper House of Assembly Nov^r the 2^d 1725
Read and will Pass.

Signed p Order Geo. Plater Cl. Up. Ho.

Sent by Coll^o Tilghman who returns and says he Delivered it

Read the Bill for restraining the ill practice of Attorneys which is Ordered to be thus Endors'd (viz.)

By the Upper House of Assembly Nov^r the 2^d 1725

The fees in the County Courts as usual and 400^l of Tobacco besides the Provincial fee for rideing the Circuit and these words (if a Quaker) to be inserted after the word Affirmation

and the Act to be made for three Years With these Amend- U. H. J.
ments this Bill will pass.

Signed p Order Geo. Plater Cl Up. Ho.

Sent down by Benjamin Tasker Esq^r who returns and says
he Delivered it

By the Upper House of Assembly November the 2^d 1725
Gentlemen.

This House does appoint Philemon Lloyd Esq^r & Col^o Richard Tilghman to Conferr with such members of Your House as you shall Appoint at the House of M^r Francis Bowes upon the Subject of the late Address to his most Sacred Majesty and the great Damage we suffer by the Importation of Convicts but as to any other matters that you hint at in yo^r Message, we think it improper to Enter into any Conference thereupon, not knowing the Subject matter thereof especially Considering the Sessions so near a Conclusion

Signed p Order Geo. Plater Cl. Up. Ho.

Sent down by Philip Lee Esq^r who returns and says he
Delivered it.

The Act for relieving the Inhabitants &c^a from the Lower p. 87
House by Captⁿ Gale and Coll^o Belt newly Engrost and
Amended persuant to the Message beforementioned thus Sub-
scribed.

By the Lower House of Assembly Nov^r the 2^d 1725
Read and Assented to by the Lower House of Assembly &
Signed p Order M. Jenifer Cl. Lo. Ho.

Which was read and Assented to by this House and
Ordered to be so Subscribed

And the paper bill so Endorst was sent down by John Hall
Esq^r who returns and says he Delivered it.

By the Upper house of Assembly Nov^r the 2^d 1725
Gentlemen.

Upon reading and considering the Bill for regulating
Officers fees we are of Opinion that the fees for Searches are
not Sufficient and find the fee to the Secretary for recording
Patents omitted, and these words (do not) in the 11th line
of the third folio wanting which we think proper to be In-
serted.

We apprehend that all Speciall Warrants and the matters
that depend thereon issuing out of his Lordships Land Office

U. H. J. ought not to be regulated being due to the Secretary as his Lordships private Officer in that respect, and not Subject to any Alteration by the Legislature

We cant help thinking that half ffees to the Gen^l Comissary for Estates under 20^l will be an ease to such Estates and sufficiently lessen the profits of that Office, where we find no ffees settled by Law for Searches, therefore desire it may be inserted

We are further of Opinion that the Trust by this Bill
p. 88 reposed in the Deputy Comissarys is much too great for their abilities, and the Security by them given, therefore recommend the omitting that provisoe

And we further Observe that this Law is designed to Continue for one year only, and that the Reenacting the same at the end of so short a Term, will be too great a Charge to Burthen the Countrey with, which may well be prevented by Continuing the said Law for the usual Term of three Years; with the above Alterations and Amendments this Bill herewith sent will pass

Signed p Order Geo. Plater Cl. Up. Ho.

Which Message and Bill was sent by Phil Lee Esq^r who returns and says he delivered them.

A Message from the Lower House by M^r Stoddart and Col^o Mackall viz

By the Lower House of Assembly November the 2^d 1725.
May it please Yo^r Hon^{rs}

This House has appointed Thomas Bordley James Stoddart & John Mackall Esq^{rs} and Coll^o Thomas Trueman Greenfield members thereof, to joyn Philemon Lloyd Esq^r and Coll^o Richard Tilghman in a Conference who are ready to attend at the place proposed in your Message on that head

Sign'd p Order M. Jenifer Cl. Lo. Ho.

A Message from the Lower House by Col^o Ephraim Augustin Herman & M^r Courts viz.

By the Lower House of Assembly Novem^r the 2^d 1725
May it please yo^r Hon^{rs}

p. 89 We find by yo^r Message of this Instant that you are of Opinion because you cannot possibly come at any part of the money which is evidently rais'd for your Support, we ought to make some other Provision for you; this would indeed be agreeable to your Interest, and perhaps your Consciences, but not at all Agreeable to our duty, we have done our duty in

raising a sufficient support for all the necessary Uses of Government and are under no ties of duty to raise more, because those that are raised are not apply'd to your likeing; Once paid well paid, His Lordship who employs you is paid by the people, and 'tis no less then unreasonable for you to insist on further Demands from the people for the same Service. U. H. J.

We cannot guess to what degrees of Unhandsome and insulting usage you would grow to in your Messages to us if we shou'd Continue to pass by this yo^r last with the like disregard and Tameness that we did yo^r former of the 28th & 29th of October last; we hoped that tho you were pleased to treat the lower House of Assembly in 1723 by your Message of the 26th of that October at the Close of their Sessions, with Questioning whether they were in their witts or not, who to avoid unnecessary debates gave you no Answer, and tho' you were pleased at the Close of that Sessions to treat that House with Language better drop'd than Copyed after, and tho you have been pleased this Sessions to declare your Sentiments against unnecessary debates, yet you now seem resolved to lay us under the Dilemma of Spending time in Shewing you how you derogate from yo^r sometime boasted Superiority in good manners or of submitting to such treatment as would demonstrate us unworthy of the Trust our Country places in us, and a sett of Men Void of all Sence of Honour or just resentment. Please to Consider again your Messages, and since in a former Assembly you were pleased to declare good manners inseperable from an Upper House, please to Judge ^{p. 90} if you have not given us Cause to Question whether you be an Upper House or not, after your parting with what your selves have declared so eminent a Characteristick of it. We shall be very desirous (not only of Deferring) but avoiding all further Debates with you unless you are pleased to Joyn a meeker temper to Your Correspondence with us, this we give you to advise upon, and assure you your reproaching us with being Obstinate shall never divert us from being resolute in our Duty, nor Maintaining the Character due to our Station.

Signed p Order M. Jenifer Cl. Lo. Ho.

Which is Ordered to lye on the Table

A Message from the Lower House by M^r Kirk and M^r Walter Smith, viz.

By the Lower House of Assembly Novem^r the 2^d 1725
May it please your Hon^{rs}

Yo^r message of this Instant concerning the Bill relating to Servants Imprisoned is so very foreign to the Subject under

U. H. J. Consideration betwixt us, that we are perswaded you only sent it to let us know that you would not trouble yourselves further with us about it. You seem to be of Opinion that no Servants can be Committed but what must be for some Crime triable and that none could be Committed as Persons of Evil fame by the discretion of the Magistrate. Give us leave to say if this be your Opinion it is a most pernicious one to the Country's peace, and destructive to the fundamental Security of every Inhabitant, and an Obstruction to that preventative Justice which you seem'd lately to Esteem and is directly opposite
p. 91 to the Statutes and practice of England for preserving the peace and good behaviour and Contrary to the duty of every Magistrate. We therefore leave all the ill Consequences of Yo^r Conduct in this part to your further Consideration.

Signed p Order M. Jenifer Cl Lo. Ho.

Which Message is Ordered to lye on the Table.

This House Adjourns till to Morrow Morning Eight of the Clock

Wednesday Morning Novem^r the 3^d 1725

Met again according to Adjournment, Present as Yesterday.

A Message from the Lower House with the Bill for regulating the Officers fees by Captⁿ Harrison and M^r Wright which Message is as follows viz.

By the Lower House of Assembly Novem^r the 3^d 1725

May it please Your Honours

On perusing and Considering yo^r message of Yesterday in relation to some amendments you propose in the Bill for regulating Officers fees, we cannot think that the fees for Searches are at all too little, for it is a business in the Office thats done with as little (if not the least) trouble of any in proportion to its reward especially when those that apply for Searches bring regular Instructions and thats every ones case to do or they must take the Consequence. The fee to the Secretary for recording of Patents we presume your Hon^{rs} have overlooked for it is mentioned in Express words on the top of the fifth Sheet in the Bill and the words (do not) in the 11th Line of the 3^d Sheet as also the fee for Searches in the Comissarys Office are now Inserted which before were omissions The reasons against the Extravagant fee for Speciall
p. 92 warrants appears pretty Clear in the answer of the Lower

House of the 31st of October 1724 to your message of the same U. H. J.
 date in the printed Volumes of Our proceedings (since you are
 pleased to Disown them) page 57 together with the great
 Burthen of ffees that the Purchasors are loaded with and the
 price of the Land being doubled since the Revolution we
 must needs think would have Given a total Obstruction to the
 Purchasing and taking up of the Back Lands had not the rise
 of Tobacco & great Expectacons that lands would rise pro-
 portionably (as it usually does) gīven unexpected life to it.
 We therefore think his Lordships Interest and the peopling
 and improving the ffrontier Parts of the Province are much
 Concerned in this Affair and no injustice can be said to be done
 his Lordship by it who has no part in that ffee nor any to the
 Officer who without that 400th Tobacco has a large ffee & more
 than the Value of his Service settled on him by the Bill as it is
 now propos'd

As there is an Absolute necessity for Distinction to be made
 in the Com̄missarys ffees, between those of large and small
 Estates so we cannot think but that halfe ffees to them in
 Estates of 50 £ as mentioned in the Bill is as well settled as
 can be, for were it only to Affect Estates under 20 £ the ffees
 that must necessarily Accrue to the Com̄missarys will when
 Tobacco bears a large price in the Country, sink so deep into
 such an Estate that it would sweep away the greatest part of
 it for taking Care of the rest. We cannot find any necessity
 for special Commissions in general to issue to the Deputy
 Commissarys for passing Accounts above 50[£] as heretofore,
 and as it would certainly be of great Ease to the people to
 have their Accounts of dec'ds Estates made up and past in
 their Countys, and the person passing them being under the
 same Obligation of returning such Accounts and in all respects
 doing his duty therein as in Case of Accounts of Estates under p. 93
 £50 we cannot think but the Deputy Com̄missarys passing
 such Accounts where no doubt or Controversy arises, will be
 as well as if he had a Com̄mission from the Office Empowering
 him thereto, especially since those Accounts will still be
 Subject to the same Contest of all parties interrested as the
 Accounts now are which are passed by the Commissarys
 Generall; and therefore must desire you to pass the Bill
 with that Provisoe as it stands therein. We propose the
 Continuance of the Act as it now stands in the Bill and pre-
 sume at the Years End the Drawing a reviving Bill will not
 take up much time or be so great a Charge to the Countrey
 but that they may bear with it.

Signed p Order M. Jenifer Cl. Lo. Ho.

U. H. J. Which being read the following Answer was prepared thereto viz.

By the Upper House of Assembly Nov^r the 3^d 1725
Gentlemen.

On Reading yo^r Message this Day by Capt Harrison and M^r Wright relating to the Bill for regulating Officers fees we find no reason to recede from our Amendments heretofore propos'd without which this Bill will not pass

Signed p Order Geo Plater Cl. Up. Ho.

Which Bill and Message was sent by Coll^o Tilghman who says he Delivered it

Upon Reading the Message of Yesterday by Coll^o Ephraim Augustine Herman and M^r Courts the following answer was prepared thereto viz.

p. 94 By the Upper House of Assembly November the 3^d 1725
Gentlemen.

We cannot see any more unreasonableness in Expecting an Allowance from the publick for our Attendance on the Countrys Service in Councill, then for the representatives in time of Assembly; Each have their distinct Offices tho' both Act for the publick Weal of the Country; nor can we see any reason why the bare mention of your Obstinate adherence to your former Opinions should Super induce such a heavy Charge as you are pleased to lay at our doors of unhandsome and insulting Usage; We are at a loss to find any thing of that nature among the Publick Proceedings unless it be in your own messages where upon many Occasions you are very Liberal of such Usage, and particularly in that of the 28th of October last, wherein you are pleased to give us the Characteristick of Assistants only to the Prerogative, in whom the people place no Confidence; But we can very truly say whatever opinion your House or the people may have of us, that we are by Office and Inclination as hearty well wishers to the Common weal of this province, as any of your House and for that reason do not think we deserve so gross a reflection upon the integrity of this House as the bare questioning the Security of the Bills with us when prepared for the Assent, which yet we are Assured you will find very safely preserved in our hands, nor could we imagine that our declining any further debates upon the Subject of the Coun-cills allowances rather than to prolong the Sessions could have Inflam'd Your House to such a Degree of Unhandsomeness as

to fill a long Message with reflections upon the Subject of Use- U. H. J.
ing the word Obstinate, which we think however to have been
very properly applyed to the Substance of Your message
wherein you tell us that a Support was Evidently rais'd for
us, yet Confess in the same Message As also in the Message p. 95
of October the 25th 1723 that we cannot possibly come at it
Signed p order Geo Plater Cl Up Ho.

Which was sent down by Benjamin Tasker Esq^r who says
he Delivered it

On reading the Message Yesterday by M^r Kirk and M^r
Walter Smith the following Answer was prepared viz.

By the Upper House of Assembly Nov^r the 3^d 1725
Gentlemen.

Whether our Message of November the 2^d concerning the
Bill relating to Imprisoned Servants be foreign to the Sub-
ject under Consideration betwixt us or not, we shall not at
this time enter into any further debates with you, but if you
believe us to be of Opinion that Servants in this Province tho
Suspected of some misdemeanors are not in prudence and
discretion to be lookt upon as persons of ill fame within the
meaning of the Statutes and to be proceeded against Accord-
ingly, you are in the right for we are so; and that for the fol-
lowing reasons, first persons of ill fame in generall are such
who are at their own Disposall and have no place of residence
nor can give a good Account how they subsist; against those
the Laws do well provide, but Servants here are not such, for
they have a being and are not at their own disposeing but are
the property of their Masters, and if Masters should be
Obliged to give Security for the Behaviour of their Servants
no man would be secure of his Property in such Servants, for
either through the Inclination of the Servant to Change his
master; or the designs of an ill neighbour or the resentments
of a prejudiced Magistrate (for such there may be) they
might be taken up as persons of ill fame; and then the Master
must change Circumstances with his Servant or lose him, for
if he becomes bound for his good behaviour he must not dis- p. 96
oblige him, and if he does not the Consequence is Obvious
Secondly Persons of ill Fame in particular are such as have
Committed some Crime for which they may be prosecuted;
and in this Case Servants are not Exempt but may be Im-
prisoned Prosecuted Convicted and punished and in such
Cases we have an Act of Assembly that particularly provides
for their Enlargement and sure it is worthy our Consideration
that that Act has so great a regard to the property of the

U. H. J. Master that it does not require Security for his Servant even after Conviction, much less reason is there that they should be obliged to give it upon Common fame, nor can we foresee of what pernicious Consequence our coming into the measures (by the Bill proposed) would be since it remains a doubt with this House whether the peace & property of his Lordships Tenants would not rather thereby be Infringed than promoted Wherefore we hope the ill Consequences Charged (as we think Unjustly) on us, will lye rather at the doors of those who have too precipitately taken upon them to Commit persons who have already suffered for Crimes formerly Comitted without being Guilty of any new Transgression.

Signed p Order Geo. Plater Cl. Up. Ho.

Sent down by Philip Lee Esq^r who returns and says he Delivered it.

The Journall of the Comitte of Accounts from the Lower House by M^r Beale & three others thus Subscribed viz.

By the Lower House of Assembly Nov^r the 3^d 1725

Read and Assented to by the Lower House of Assembly &
Signed p order. M. Jenifer Cl. Lo. Ho.

Which was read and Ordered to lye on the Table.

p. 97 Philemon Lloyd Esq^r and Coll Richard Tilghman two of the members of this House appointed on the Conference to Examine into the Claim of Capt. Nicholls and Rider to the Indians lands &c^a make Report thereof to this House as follows (viz)

At a Committee appointed by the Upper and Lower houses of Assembly to Enquire into the Affair Concerning the Claims made by Capt John Rider and M^r Isaac Nicholls to some part of the Indians Lands in Chicacoan upon Nanticoke. The members appointed are as followeth.

the Hon ^{ble}	{	Philemon Lloyd Esq ^r Col ^o Richard Tilghman	}	of the Upper House
the Hon ^{ble}	{	Col ^o John Mackall Col ^o Thomas Trueman Greenfield John Beale Esq ^r M ^r George Dashiell M ^r John Kirk M ^r Ralph Crabb	}	of the Lower House

Who make choice of Philemon Lloyd Esq^r their Chairman & William Ghiselin their Clerk and thereupon proceed to the

Subject matter given them in Charge and Do represent that U. H. J.
it appeareth to this Committee upon Inspection into the several
papers laid before us that Captain John Rider and M^r Isaac
Nichols their Cases have been untruly and artfully Represented
unto his Lordship the Lord Proprietary and thereby
Given this further occasion of trouble to the Legislature with
an Unnecessary Additional Charge to large Sums of Money
and Tobacco already Expended upon the frequent Complaints
of the Nanticoke and Choptank Indians in relation to Injurys
done them by the English and particularly with regard
to the before mentioned Cases.

This Committee takes the Liberty of Observing that Captain
Rider hath Insinuated his case as if his Right to the Lands
in Question had been prior to the Indian title by Act of Assembly
nor doth it indeed appear by the papers laid before us,
whether the Indians had any right at all to the Lands at Chicacoan
before the time of his purchase and the Demise in his Case
menconed, whereas we find that the Indian titles according to
an Alottment of Lands made them were very Early preserved
either by the Act of the Lord Proprietary himself or by publick
Acts of the Country, but it appeareth that Captain Riders
purchases were made so late as Anno 1713 & 1720 and have
reason to believe that the purchase of Major Hicks under whom
he holds by Demise (nothing being Shewn by Captain Rider to
the Contrary) was after the Year of our Lord 1698 the time
of Ascertaining the bounds of the Indians Lands at Chicacoan
according to the papers marked C. C. and seems to this
Committee to be a manifest proof that Captain Riders purchase
[was] under the Circumstance of an Indian Title and Possession
and ought therefore both in Law and Equity to have waited
until their right had Determined and Devolved upon him
according to the provisoe in the aforesaid Act of Assembly. p. 98

We find alsoe the Indians manner of planting and habitation
in their Towns to be represented in the Case far Different
from the Practice amongst the people who Instead of being
unsettled Ubiquitarians had by themselves together with the
Wicomisses their Subjects Claimed and Inhabited about
Chicacoan Creek anno 1668 as appears Liber H. H. page 296
but how many years before that time we are not able to Discover
nor is it reasonable to believe that any Desire in the proprietors
of the Land in Question to have their Lands Clear by the
Indians (as it is alledged in the Case) nor there being Eas'd
of the Quit Rents nor much less any Expectation of the
desertion of those Towns, the fixed habitation of the most
potent nations of the Indians on the Eastern Shore

U. H. J. should have any ways facilitated the passing of that Act of Assembly for ascertaining the bounds of a tract of Land for the Use of the Nanticoke Indians Anno 1698 seeing that it Appears Evidently the said Act was made In consequence
 p. 99 only of the Indian habitation at that place for many Ages as far as we can tell and of a Commission heretofore (Viz) anno 1684 Directed to Col^o W^m Stevens Maj^r Thomas Taylor & others for the laying out and Ascertaining a tract or portion of Land where the Emperour of Nanticoke and the Indians under his Subjection then usually Inhabited.

We of this Committee do represent also for the Setting this Case in A Clear Light and for preventing for the future the Intollerable Charge and great Interruption given to the publick business of this province by the frequent Complaint of those Indians that we have made Diligent Search into Antient Records and proceedings of this province in relation to Indian Titles and Possessions of Lands allotted or otherwise ascertained to them and we find that upon application made to the Queen of Port Tobacco. &c^a that a proclamation Issued Anno 1663 setting forth the Complaint of those Indians, that their Cornfields were Yearly destroyed by the Cattle and Hogs of the English and they thereby reduced to famine for prevention of which mischief it was by the Lieutenant Gen^l willed and required that no Inhabitants of this province should take up nor seat any Lands, tho formerly taken up within three miles at least of those Indian habitations as in Liber H. H. page 190. The Disturbance and Incroachment of the English upon the Town lands and Settlements of the Eastern Shore Indians was likewise found of mischievous Consequence and therefore restrain'd in several places in Somerset County and at Chicacoan in Dorchester County by a Proclamation of the Lord Proprietary Anno 1678 Importing that his Lordship would Advise with the two houses at the next Gen^l Sessions of Assembly and that no person or persons whatsoever should presume to seat Live or Inhabit within three miles of the Indian Lands. The like had been Ordered in Councill ten years before in relation to the Indian town Lands at Mattawoman and Piscattoway Creek where a reserve had been made for them between those two Creeks

This Committee further Observes that the Prohibition of Surveying and Seating Lands within three Miles distance of any Indian town was the Constant practice of this Government both before and after the Survey of the two Tracts of Land menconed in Captain Riders Case and altho not
 p. 100 specifically applyd to the Nanticoke Indians and the Subjects

of that Empire as in Liber R. R. page 165 until the year 1678 U. H. J. and after the time of taking the said two Tracts of Land yet the Circumstances being the same their Case Doth very naturally fall within the reason of those Earlyest Prohibitions and puts the Surveying of all Indian lands under the same restrictions and Limitations that is at the peril of the taker up for notwithstanding that we cannot find any particular tract of Land laid out to the use of those Nanticoke Indians yet it appears plainly by Articles of peace with the Emperor that a General reserve or Allotment had been Granted them at Chicacoan Creek and the parts Adjacent ten years before for it is the second Article in the treaty of peace Concluded with those Indians upon May the first 1668 in Liber H. H. folio 296 " that Unnacokasimmon Emperor of Nanticoke should Deliver up the whole nation of the Wiccomisses at Siccacoan town and all those Indians who protected the Murderers of Captain Odbur." This Wiccomiss town appears to have been tributary to the Nanticoke Emperor who either lived at the same place in a Distinct town as usual amongst those people or in the parts Adjacent thereunto for in the Same year either by the Assistance or Conivance of the said Emperor the Canton of the Wiccomise Nation was wholly Exterpated after which time it is very reasonable to believe that Unnacokasimmon with his Subjects & Confederate Indians mixt with them remained Sole Masters and possessors of that town and the Adjacent parts upon Nanticoke river, as a reserve made by the Government to the nation seeing that we do not find any Lands since the year 1672 have been Surveyed within the Bounds of that large tract of Land until very lately by Capt Rider and others but that the said Lands remained as a possession and Territory to the Nanticoke Indians for by the Articles of Peace made with Unnacokasimmon upon March the 28th 1678 after a second Rupture with the Nanticokes it was then stipulated in the Sixth Ninth and Tenth Articles that whatever runaway Servants & Slaves or Strange Indians should be Entertained in the Towns Dominions or Territorys of the said Emperror that the first should be apprehended and carry'd to the first English plantation and that the Emperror himself should be answerable for all Mischiefs perpetrated by the Latter. And further that the said Unnacokasimmon should yearly and every year upon the twentieth day of October pay four Indian Arrows as an acknowledgm^t to his Lordship and as a token of the Continuance of peace. This proves an Allowment or General reserve of Land to have been made to the Nanticoke Indians as it is Implied by the word Acknowledgment

p. 101

U. H. J. altho the bounds thereof were not particularly agreed upon, but upon the Complaints of Incroachments Oppressions and other Injurys done to those Indians it is Express in the Act of 1698 for Ascertaining the bounds of a tract of Land for the Use of the Nanticoke Indians the Legislature then took the Affair in hand and by an Act Ascertained very particularly the Extent of Dominion and Territorys above menconed thereby to secure peace and tranquillity to this province by redressing the Discontents of those people least following the Examples [of the] Piscattoway and other Indians on the Western Shore who were at the same time retired back into the Mountains upon some Discontent about their Town Lands made frequent incursions among the out plantations which did Oblige the Government to maintain at a vast Ex- pence very great numbers of Rangers for protecting the back Inhabitants of Prince Georges and Baltimore Countys from the Insults of those Savages.

This Comittee is further of Opinion that it was through an Apprehension of the like Mischiefs from the Eastern Shore Indians which facilitated the passing the Above menconed Act of Assembly rather than any design in the Legis- lature of making the English Proprietors of Lands within the Indians bounds Easier or thro any Expectations of those Indians Deserting or leaving the place as it is falsly Sug- gested by Captain Rider for the Same motives appear after- wards to have Obtained with the Legislature viz. Anno 1711 in making the purchase of Three thousand Acres of Land for the same Indians at broad Creek at A Conjuncture
 p. 102 when the troubles of the Indians at Carrolina put them in mind of the necessary measures for quieting the Minds of our Indians then Sower'd by the frequent Injurys done them by the English and particularly by turning Horses into their Cornfields.

Having thus represented the right of Indians to their town Lands and particularly that of the Nanticoke to the Chicacoan town we proceed in the next to Examine the Allegations of Captain Rider with regard to the Desertion of that town it being alledged in his Case that the Nanti- coke Indians in the Spring 1722 not only Omitted the Plant- ing of Corn on the said Lands but broke down and burnt their Fences and removed to a Place twenty miles higher up Nanticoke River.

This seems to Look something like a Dissertation and leav- ing the place according to the words of the Act [if] the facts alledged had been true but upon Enquiry into the matter we find that the Nanticoke Indians upon some Disgust through

Injurys done them by the English removed higher up the River about twenty Years agoe and not in the Year 1722 to A place Called broad Creek which was afterwards in the Year 1711 purchased for them by the Country as further provision for those Indians as appears by An Act of Assembly made for that purpose whereby it is Evident that the Nanticoke Indians by their Removal and Settlement at broad Creek did not Desert nor leave their Town at Chicacoan Creek as it is Insinuated in the Case Seeing broad Creek town (to which most of the Nanticoke Indians had retired) was Intended by the Legislature to [be] a further provision and relief to them against Injurys done them by the English whilst the Choptank Indians with another part of the Nanticokes remained at Chicacoan and so Continued to do notwithstanding Incroachments of the English and other Injurys done them of which they frequently Complained still Asserting their right to Chicacoan town as by a Complaint personally Exhibited to the two houses of Assembly p 103 in the year 1719 by Panquash and Anatocom chiefs of the Nanticoke Indians against a certain Roger Fowler praying he might be removed from thence It was ordered thereupon that Roger Fowler do remove from off the Indian Land by the January following as he will Answer the Contrary at his peril and again by the Journall of 1721 it appears that the Nanticoke and Choptank Indians Complain of Incroachments made by the Inhabitants of Dorchester County and pray redress therein from this Government.

By all which it appears to this Committee that the Indian titles to the Lands at Chicacoan did not anywise determine according to the purport and true meaning of the provisoe in the Act mentioned by their removing twenty miles higher up the River for that in November 1721 Coll^o Richard Tilghman and Matthew Tilghman Ward two of the Commissioners appointed by Act of Assembly for resurveying and Ascertaining the Indians bounds did see Sundry corn fields in the Chicacoan town as they Informed this Committee tho' most of the Indians being then gone out to their Hunting Quarters according to their usual practice Except William Asquash the late Emperors Son who had a handsome Settlement and a good Corn field fenced after the English manner and possibly fixed there by the Indians with Design to hold possession, as was Edward Wright also who in the Deposition of Thomas Abbot amongst Captⁿ Riders papers Marked D. D. is Declared to be a Tennant to the Nanticoke Indians and therefore no Desertion or leaving the place within the Intention of the Provisoe in the Act of 1698 altho the

U. H. J. Injurys by Englishmens horses &c Induced the Choptank Indians to retire to A place Called Locust neck upon the Choptank tract

p. 104 It appears also to this Committee that the facts alledged by Captⁿ Rider as to his taking Possession of and building a Small Clapboard house in the Chicacoan town and the Indians leaving the place after the burning of William Asquash's Cabbin and Corn field fence are true but it is very untruly represented that those Indians themselves had Destroyed their Cabbins or burnt their fences as a token of deserting and leaving the place or that the small Improvements made by Captain Rider were any Inducem^t to those Indians in the repossessing the place for they returned again of themselves in the fall of the same year and some time after as Captain Rider himself did Suppose burnt down his Improvements but Complained in the mean time to the Comissioners appointed by Act of Assembly for determining Indian differences, that the English had burnt William Asquash's house and part of his Corn field fence with design to drive them away from the said Town which doth not seem Improbable seeing that the fact was done about the time of Planting Corn and the damage Irreparable for that Season, but W^m Asquash who did not remove twenty Miles higher up the River as it is alledged remained amongst the English during the Summer for his Subsistance and returned again to the town with other Indians and Erected new Cabbins which have been inhabited until this time Edward Wright their Tenant having as they say held possession for them all the while

p. 105 By which it appears Evidently to this Comitteee that the Legislature ought not to have been Charged with Unjustice in preventing Captⁿ Rider from Disturbing the Indians in their possession seeing that if the first takers up of the Land Claimed have not already received an Equivalent from his Lordship as in the case of Edmondsons Guiny plantation upon the Choptank Indian tract, yet his Estate in those Lands cannot by the rules of Law Comence untill after a desertion or leaving the place by the Indians within the Intention of the Act of 1698 which we are humbly of opinion they have not yet done for Captain Rider bought those Lands with no other Views nor gave he any other Consideration as it is said for them than as for an Estate in reversion after the Indians should leave and totally Desert the place according to the true Intent and meaning of the proviso in the Act above mentioned, marked C. C. which Intention hath been frequently Explained by the Legislature and a hearing between

Captain Rider and the Indians before both Houses of Assembly at which time there happened a remarkable Instance of the Good Sence of those Savage People for after the matter had been resolved in favour of the Indians Henry Coursey the Emperor was advised to return home but refused and said that he would stay in town until the Act should be past that he might know whether Captain Rider or he was to be Emperor of Chicacoan U. H. J.

It appears also to this Committee to be a gross Reflection upon the Justice of both houses that Captⁿ Rider should alledge in his Case that it appeared to them that the Indian Estate to the Lands in question had Determined and that the late Law marked E. E. was made with design of restoring them to the same again with a Stronger and fuller Title but the Gentlemen's freedom in taxing the Justice of the Legislature will turn to his own Shame upon Enquiry into the true motives of that Act which are Expressly Declared in the Journall 1723 to have arisen from fresh Complaints as it is said in that Journall Even since the last Sessions (Wherein an Ordinance of Assembly had been made in favour of the Indians upon sundry Complaints to the Governor & Council) that Captain Rider had molested the Nanticoke Indians and would not Suffer them to Cultivate any part of their Lands and Captain Rider himself after the making of the Act petitioned the Governor and Council to have the Liberty of purchasing or Leasing from those Indians but that Liberty being Denyd him for the ill Consequences that had been found to attend such practices he then made his application to the Lord Proprietary and very artfully Insinuated in his Case that his Lands were not Included within the bounds of the Tract mentioned in the Act of 1669 marked N. N. but the Gentleman was not so Ingenious as to inform his Lordship that his Lands were Included within the Limits of the Chicacoan town reserved to the Nanticoke Indians in 1668 and more particularly in the year 1678 and at length Invested in the said Indians by Act of Assembly in 1698 long before his purchase or Maj^r Hick's Demise to him of the Lands in Question. p. 106

This Committee upon Inspection into the papers of M^r Isaac Nichols of Dorchester County do find the facts relating to the manner and Validity of his Purchase from the Indians to be very unfairly represented to his Lordship in the Case laid before us for he therein hath very Industriously concealed all those Circumstances which were previous to his purchase and would have proved the Unreasonableness of it as well as the particular motives which afterwards Induced

U H J. the Legislature to annul and make void his Deed and totally to restrain any kind of Alienation for the Nanticoke or Choptank Indian lands for the future whether by Lease or purchase for the frequent Complaints of the Indians to the Governour and Council as well as to the two houses of Assembly have arisen either from Purchases Leases or other Encroachments made upon the Indians Limits the Source of all our Late Differences with the Indians. For prevention whereof and to put an End to all those disputes which have been a great Interruption to Business and A vast Charge to the Publick of this province the Legislature Impowered the Governour for the time being to appoint Commissioners to ascertain the bounds of the Indian lands and for Determining all differences between the English and them in pursuance whereof Philemon Lloyd Esq^r Coll^o Richard Tilghman and Coll^o Matthew Tilghman Ward in November 1721 did lay out and Ascertain the Exteriour boundaries of the Choptank Indian lands reserved to them by the Act of Assembly Anno 1669 marked A. A. and Considering how small a part of that Large Tract of Land either by Sales Leases or other Encroachments made by the English was then left to those Indians to make Corn upon The Commission^{rs} aforesaid thought it a part of their Duty and for the publick Service of the Country to give such publick notice to the Inhabitants Contiguous to the Indian tract aforesaid (of which Isaac Nicholls was one) as might prevent the purchasing Leasing or any other means of dispossessing the Indians of that little remainder of plantable Land which is now left them

p. 107

It appears to this Committee that Isaac Nichols little regarding the friendly Caution given by those Commissioners nor that the Tract of Land of which he hath purchased a part was Claimed by Major Nicholas Sewell and a Negotiation then on foot in both houses of Assembly for the purchase of the Same at the Publick Charge made the purchase mentioned in his Case and partly by Intoxicating Liquors and partly by a Sum of ready Cash deluded the Chiefs of those Indians into a Sale of their Lands which said Sum of Money with a Complaint of his manner of bringing about the bargain was Immediately brought by those Indian Chiefs unto Philemon Lloyd Esq^r and by him directed to Apply to the next General Assembly for their relief.

It appears further to this Committee that those Indian Chiefs did apply themselves to the Legislature in Octo^r 1722 and laid their Complaints together with the purchase money they had received from Isaac Nichols before the Governor and Upper house of Assembly whereupon A Message was sent to

the Lower House Importing that the Indians of the Eastern U. H. J. Shore having made frequent Complaints of Injurys done them either by Purchases made of their Lands when in Drink or of Incroachments made by the English in their bounds and of such persons also who having Entred upon their Lands by Consent and upon Condition of paying rent therefore have not Comply'd therewith so that the Indians on the one hand are cheated of their rents And on the other hand with the loss of their Lands The first gives a great deal of Unnecessary trouble to the Government as the other will lay us under A Necessity of purchasing more Lands for them to make Corn upon. We also observe that the Necessity which the two houses of Assembly found themselves to lay under of relieving the Indians ag^t English fraudulent purchases to be the Sole Motives and Inducements of the Act of Assembly Com- p. 108
 plained of by said Nicholls whose wilful and Contemptuous proceedings in relation to his purchase and Small Improvements made thereon deserved the Censure rather than Compassion of the Legislature who treated him with a great deal of tenderness by restoreing the purchase money with a small Defalcation by his Indian friends and Adviseing him to relinquish his Claim

We of this Committee Do likewise find the case of M^r Isaac Nichols to be attended with sundry Aggravating Circumstances: first that the Indians as they Informed the Governour and Upper house of Assembly were made Drunk by him in which Condition with Allurement of the Money a bargain was brought about for the Land in Question. Secondly that the said Land was purchased by him at an under rate the Consideration being Expressed in the Deed to be twenty seven pounds ten Shillings Current money whereas the publick paid Major Sewell the Year following for A tract of Land called [Indian Neck] of which tract Isaac Nicholls had purchased the better part. Thirdly that the purchase and Improvements made by Isaac Nicholls af^d tend Evidently to the defeating the good endeavours of the Legislature in making the Indians the primitive Inhabitants of this Country Easy under their present Circumstances and loss of their Country by Securing Convenient and Suitable Lands for them and their posterity to Subsist upon, for Nicholls knew before the time of his purchase that Major Sewell Claimed the Land and had Petitioned the Assembly for Satisfaction therefore.

It Appears likewise to this Committee that the Attested Certificate of Sales can be of no Avail to said Nichols in the present Case where his purchase differs so very widely from

U. H. J. those heretofore made by the English who then lay under no Manner of Restriction from the Government concerning the purchase of Indian Lands

p. 109 It appears lastly to this Committee that since the time of the purchase of the said Nichols Maj^r Nicholas Sewell did so far make out his right to the Tract of Land called [Indian Neck] within the Bounds whereof Nicholls whole Purchase is Contained that the publick paid him thirty thousand pounds of Tobacco for it and must Consequently bar and make Void Nicholls title even altho that Act of 1723 marked E E had not been made and leaves no room at all for the said Nichols who purchased thro' Obstinace and folly to Expect any Compensation from the Country for his pretended Right to the same

The Premises being Considered this Comittee is humbly of Opinion that no Compensation be made either to Capt^m Rider or Isaac Nichols for the Lands in Question and are in hopes that if his Lordship will be pleased to give himself the trouble of Inspecting this report and the Journalls of the two Houses at the time of passing the Act in 1723 Marked E E he will neither dissent to that Act nor so readily give Countenance to Applications made to him for the future wherein the Justice of the Legislature of this province is so grossly arraigned

All which is by this Committee humbly recommended to the Consideration of both Houses of Assembly

Signed p Order W^m Ghiselin Clk Comit.

A Message from the Lower house by Col^o Thomas Trueman Greenfield & Captain Crabb as follows viz.

By the Lower House of Assembly Nov^r the 3^d 1725

May it please Your Hon^{rs}

p. 110 It is thought proper by this House in order to the dispatch of the Business to Inform yo^r Hon^{rs} that the Bill for Limitation of Officers fees for the reasons already given will not pass any otherwise than as it now stands

Signed p order M. Jenifer Cl. Lo Ho

Which Message being read the following Answer was prepared thereto (viz)

By the Upper House of Assembly Nov^r the 3rd 1725
Gentlemen.

This Bill for Limitation of Officers fees with the Amendments proposed by us [is] in favour of the people of this

province near a fourth part of the former Regulation; But U. H. J.
since you do not think fit to pass it upon those Terms the fault
is not ours, nor will the Consequences if prejudicial to the
People lie at our Doors.

Signed p order Geo. Plater Cl. Up Ho.

Sent down by Philip Lee Esq^r who returns and says he
delivered it

A Message from the Lower house by Captⁿ King and Capt.
Hooper viz

By the Lower House of Assembly November 3^d 1725.

May it please Your Hon^{rs}

We have Read and Considered the Report of the Con-
ferrees in respect to Captain Riders Affairs and are of
opinion the Paragraph in the late Law made Anno 1723 con-
cerning the Indians Lands relating to the said Rider ought
to be Repealed and the said Rider remain in the same Cir-
cumstances as he did before the making that Law and there-
fore we do not Concurr with that report

Signed p Order M. Jenifer Cl. Lo. Ho.

Which is ordered to lye on the Table.

This House Adjourns till to Morrow Morning Eight of
the Clock.

Thursday Morning November the 4th 1725

This House met again according to Adjournment, Present p. 111
as Yesterday

By the Upper House of Assembly November the 4th 1725
Gentlemen.

Upon considering yo^r Message of Yesterday by Captain
King and Captain Hooper relating to the report of the Con-
ferrees Upon the Subject of Indian Lands, we dont find any
Paragraph in the Act of 1723 granting Indian Possession
which relates to Captⁿ Rider in particular he being upon the
same foot with others who had Lands Surveyed within those
Indian Limits But if by repealing a Paragraph of the late Act
You intend only that the Indian Possession by the late Act
should lye under the like Limitation as the Same was hereto-
fore Limited by A proviso in the Act for ascertaining the
Bounds of a certain Tract of Land to the Use of the Nanti-

U. H. J. cōke Indians &c^a we shall Acquiesce; the difference in the Limittacon appearing to us to be very small if any at all for an Estate to those Indians their Heirs and Successors forever (by the Act of 1698) with a Limittation only to the time of their deserting and leaving the same, appears to Us to be very little inferior to the Estate granted by the late Act for and during the time they or any of them Shall think fit to Use and not wholly and Totally desert and Quit Claim to the same But inasmuch as many Complaints of disturbances by the English have been made to the Governor the Legislature in prudence thought it not only proper but very necessary to Enact a free peacable and Uninterrupted possession of that Tract to those Indians; But if Yo^r House think the repealing of Limittacon in the late Act, and leaving the Nanticoke Indians right of Possession under the same restriction and limittacon it was after the time of making the Act of 1698 aforesaid to be of right to Captⁿ Rider we Shall Very willingly gratify you therein; but seeing that the Sessions seems to be upon the Close we propose the Repealing of the said
p. 112 Paragraph to be referred to the next Sessions of Assembly
Signed p Order Geo: Plater Cl. Up. Ho.

Sent down by Benj. Tasker Esq^r who returns and says he Delivered it.

An Engrost Bill from the Lower House by Captain King and Captain Hooper (viz.)

An Act Entituled An Act to restrain the ill practices of Attorneys thus Subscribed (Viz.)

By the Lower House of Assembly Novem^r the 4th 1725

Read and Assented to by the Lower House of Assembly and

Signed p Order M. Jenifer Cl. Lo Ho.

Which was Read and Assented to by this House and Ordered to be so Subscribed

And the paper bill so Endorst was sent down by Philemon Lloyd Esq^r who returns and says he Delivered it

Read the Journall of the Comittee of Accounts and Ordered to be thus Subscribed viz.

By the Upper House of Assembly November the 4th 1725

Read and Assented to by the Upper House of Assembly &
Signed p Order Geo. Plater Cl Up Ho.

Which Journal so Subscribed was sent down by Philip Lee U. H. J. Esq^r who returns & says he delivered it

This House Adjourns till to Morrow Morning Eight of the Clock.

Friday Morning November the 5th 1725

Met again according to Adjournment

Present

the Honble	{	Col. William Holland	} Members
		Col ^o Samuel Young	
		Philemon Lloyd Esq ^r	
		Col ^o Richard Tilghman	
		Benjamin Tasker Esq ^r	
		Philip Lee Esq ^r	} of the Upper House

A Message from the Lower House by M^r Crabb and M^r p 113 Courts as follows (viz.)

By the Lower House of Assembly November the 4th 1725
May it please Your Hon^{rs}

There would be no more Unreasonableness in your expecting another Allowance from the publick than in ours if we had one Allowance already rais'd for us by the Country, and expected another as you do. If you be at a loss to find Unhandsome usage in your own Messages towards us, it must at least be owing to your forgetfulness or Oversight. It seems even by your Message of Yesterday, as if you thought the Treatment we Complained of before, as unhandsome and insulting was yet too good for the representatives of yourselves and the people in this Legislature; or otherwise we cannot think you would have so considerately insisted that we deserved the Character you gave us of being an Obstinate people and Obstinate Adhering to our opinions; if you had intended to have Expressed yo^rselves in A parliamentary way we are sure you might have found Softer Terms; But if you were resolved to stirr dissentions you could not well have Chosen rougher to Express Your Sense in. We Complained of this as ill Treatment in yo^r forms, But now by this Message Yo^r Correspondence itself becomes vexatious; You fully Satisfie us by your latter that when in your former Message you seem'd displeas'd with us, for Saying you were only Assistants to the prerogative it was not a Mistake which we at first neglected as one but by yo^r more considerately reflecting on it and repeating the same thing in yesterdays

U. H. J. Message, we have reason to believe you designed it as an Oc-
p. 114 casion of difference; In yo^r Message of the 29th of October
last you Construe our words and say they Imply, that you
went about to hinder us from Preventative Justice and then
you use this Construction of your own, as a foundation
whereon You build abundance of Accusations against us, but
in the Message of October the 28th last seconded by Yester-
days you are not Content to construe our Message as best
Suits your Temper But you are pleased to Add a word of yo^r
own to it, and from that very word of your own adding, to
take Occasion to Accuse us: we said in our Message you
seem'd to be Assistants to Prerogative; had we said you were
not no doubt you would have been offended but we happened
to be so happy in our Expression that you could find no Cause
to Cavall with us on it, without Adding the Word (Only) to
it, therefore not to slip any opportunity of wrangling with us
you are pleased to add the word (only) Charging us with
saying you were only Assistants to prerogative, and from
the very word you will Multiply Accusacons. Does this look
like friendly dealing with us or pursuing the Business of the
Countrey or does it rather tend to confound it? Is it Agreeable
to your proposal of Avoiding Unnecessary debates or rather
an Indication that you are resolved not to do your duty as an
Upper House until you should be wrongfully paid as Coun-
sellors by Your Countrey. As you misrecite one of our
Messages in two of Yo^{rs} by an Interpolation of the word
(only) in it so you do likewise in the Message you Complain
of as well as in that of October 1723, where you say we
confess You cannot possibly come at the Support rais'd for
you. If you can find any words in those Messages that will
p. 115 bear such a Construction, you have some pretence of Jus-
tice in yo^r Charge but as there are none such Your Usage
is unfair and tends only to Involve us in tedious Searches
after the truth of what you argue from. You are appointed
and intrusted by prerogative, We by the people; give us leave
to make the distinction and to mind the Discharge of our
own Trust in relation to the Bills we propose which we
Expect to be Sent us from yo^r house According to yo^r
promise, that we may be ready to Close the Sessions. We
are resolved to take what further from you (Your sense of
good Treatment will Allow you to offer to us) that no pre-
tence of delay in the Dispatch of Business may lye at our
doors

Signed p Order M. Jenifer Cl Lo. Ho.

Which is ordered to lye on the Table

A Message from the Lower House by M^r Harris and five U. H. J. more Viz.

By the Lower House of Assembly November the 5th 1725
May it please your Hon^{rs}

We desire to know whether your Honours will Concurr with us in Allowing A Sum of Money to An Agent to be appointed by this House for the presenting the Addresses of this House and the representing and Solliciting such their Grievances in Great Brittain, as are not redrest on their proper application here, and generally to Negotiate any Affairs there, that may be found necessary by this House for the Interest and Safety of the ffreemen of this province

Signed p Order M. Jenifer Cl. Lo. Ho.

Which is Ordered to lye on the table

The Address of this house to his Lordship in Answer to p. 116
his Speech at the Opening of this Session being prepared approved of, and Signed by severall of the members of this House is ordered to be Entred and is as follows viz.

To the Right Hon^{ble} Charles Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c^a

The humble Address of the Upper House of Assembly of Maryland.

May it please Your Lds^{pp}

We your Lordships faithful Tenants the Upper House of Assembly do humbly beg leave with the greatest Sence of Gratitude imaginable to make return of our hearty thanks for yo^r Lordships kind Speech to both Houses handed to us by our Governor We can very truly say that it is with a great deal of pleasure that we reced those further Assurances given therein of yo^r Lordships good will to this Province and of yo^r Adhering Strictly to your former resolutions of making the good of the people the Rule of your Lordships Government So we trust your Lordship will always Govern his Majestys Lieges of this Province and being so Governed we doubt not of being made [a] happy people; for whilst the powers of the prerogative are Exercised with tender regard to the priviledges and Conveniences of the people, and the People willingly support those Powers of the Prerogative, as the only means of preserving themselves in their Priviledges; Government and Obedience become reciprocally Acts, which tend evidently to the promocon of the Common good,

U. H. J. and Create a pleasing Harmony in all the parts of the Government.
p. 117

We acknowledge yo^r Lordships Goodness, as well in the great care and pains which you have been pleased to take in Informing the Houses of Assembly, of the Opinion of the Court and the practice of the Lawyers with regard to the Extent of the English Statutes to his Majestys Plantations as also in your Lordships Seasonable Advice in recommending Temper Moderation and good will in the members of both Houses towards one another, and we heartily wish that such a Temper might always prevail amongst us. My Lord we are very sensibly afflicted that our unhappy Debates (unhappy we call them, because of the great heat and invidious reflections which have been cast upon yo^r Lordships Upper house as Enemys to the peoples liberty) which have arisen between the houses upon the Subject of the English Statutes should have given Your Lordship so much trouble as appears in Your Lordships Speech to have been taken upon that head, and yet without any the least prospect of that Success which your Lordship might possibly expect in the Affair for the house of Delegates are still very Sanguin upon the Affirmative and insist Strenuously that the English Statutes are Convey'd to the People of this Province by the Terms of their Charter of Maryland Notwithstanding the Collections made and published in your Lordships Speech of sundry Negative Authoritys among which the resolution of the Judges in the Case of Blankard and Galdy and his Majestys Disallowance of the Jamaica Act we Conceive to be the Principall. But these
p. 118 two cases my Lord as your Upper House apprehend relate particularly to the Island of Jamaica, which Island altho one of his Maj^{ties} plantations Yet being a Conquered Countrey (as allowed in yo^r Lordships Speech) Seems to us to differ very much from the Condition of Maryland as to what relates to the Extent of the English Statutes; and Consequently that those determinacons mentioned in your Lordships Speech, may not affect Maryland in a like degree with the Inhabitants of Jamaica, which is known to be a Conquest made long ago upon the Spaniards the first Christian Inhabitants of that place, whereas the People of Maryland are a free English Colony, licensed to goe abroad and plant a certain Country for the Improvement of the British trade for the Enlargem^t of her Dominions.

But we must Acknowledge likewise that if Some of the English Statutes which seem to be calculated to the peculiar Circumstances of the Realm of England, should be Enforced to take place here; they would be destructive even of that

liberty which the Lower House are now so warm in the defence of; The Consideration my Lord of the different Circumstances of his Majestys plantations, and particularly between Maryland and Jamaica (this a Conquest and that a Country Conquering) hath reduced your Lordships Upper House (equally tender of Acting in prejudice either to the Prerogative or the Liberty of the People) being no Lawyers, to very great Straits in resolving upon matters which are so intricate in their Nature, and so extensive in the Consequence of them

We beg leave therefore to represent to your Lordship that whilst we are weighing the import of these presidents cited in yo^r Lordships Speech and other Authoritys of the like nature found in the books of Reports on the one hand; we are likewise mindfull of the particular priviledges which have been Conveyed to the Inhabitants of this province by the Royal Charter thereof; Priviledges indeed which have not as we Conceive been granted unto any other of his Majestys Plantations in America; therefore with Submission to better Judgment we humbly Conceive there is some mistake in the State of the Question, as it hath been heretofore argued for the Question ought not to be as we humbly Conceive Generally, whether the Statutes of England Extend to the Plantations or no; But specially whether those Statutes extend to the Province of Maryland or no; as this province is Circumstanced with regard to the Terms and speciall conditions of the Charter thereof in which it is expressly Granted, That all persons born or to be born of his Majestys Subjects within this Province should be held and deem'd to be denisons and Lieges of the Kingdom of England, and might Inherit or otherwise purchase acquire, take have hold Possess occupy Enjoy &c^a as likewise all Liberties Franchises & Priviledges of the Kingdom of England freely quietly and peaceably have and Possess Occupy and Enjoy as Liege People born or to be born within the said Kingdom of England &c^a So that your Lordship may please to Observe that the Case of Jamaica and other his Majestys foreign plantations, are quite out of the Question now in Debate as those places were at first planted or otherwise Occupied upon a different foundation and upon right much Inferior to those Granted by King Charles the first to yo^r Lordships noble Ancestors, for the Encouraging and planting or otherwise Improving this Province which his Majesty was then pleased to dignify with the Name of his Royal Consort.

This my Lord we humbly Conceive to be the true State of the dispute about the Statutes, But forasmuch as we have

U. H. J.

p. 119

p. 120

U. H. J. no Lawyers in this House, nor any persons at hand who are able to give us a Satisfactory resolution, in so intricate and difficult an Affair We humbly Recommend the Consideracon thereof together with the Above mentioned Distinction made upon the particular Circumstances & special Condition in your Lordships Charter very far different from any other Royal Grant in America to the best advice and most solemn determinacons that can be had in an Affair of so great Consequence, either from Council long Experienced in the Knowledge and practice of the Municipall Laws of the Land or otherwise as it May appear most Suitable to your Lordship for putting an End to this Unhappy dispute which hath wonderfully affected the minds of his Majestys Subjects, the good people of this Province least for the Reenacting de novo the Statutes of England, they might in time as it hath been Insinuated to them be deprived of their British libertys.

We your Lordships faithful Tenants do humbly Acknowledge our kind Acceptance of your Goodness and tender regards declared to our Constitution by promising that no Attempts
 p. 121 should be made to alter any of those Laws Rules Customs and Usages, which have been Certain known & Adhered to, among us; and we are the rather Emboldened thereby to apply ourselves to the same fountain of Generosity, for your Lordships further direcon in Case that upon the most Curious Enquiry, the Allowance of the English Statutes shou'd be found to be Consistent with the conditions in your Lordships Charter so that a Seasonable end may be put to all such Animosities and Cruel Jealousies which almost Universally prevail in every County within this province.

But if otherwise and that your Lordship should be aprised of any dangerous Consequence in the Generall Allowance of the English Statutes with regard to the Charter it self we humbly beg that for the Satisfaction of this province and for quieting the minds of such people as are afraid of being abridged of their English Liberties Your Lordship wou'd be pleased to transmitt such opinions with the reasons given for restraining the Statutes in the Gross from this province to your Lordships Upper house of Assembly that we may Comfort ourselves as our Dutys and Nature of the Case shall require.

We of the Upper House of Assembly do highly approve of your Lordships recommendation of Temper Moderation and good will to both houses and do humbly and sincerely express our hearty wishes that either the worth of the Advisor or the

Utility and Common benefit of so healing a Temper had U. H. J.
 prevailed in the House of Delegates who upon the bare
 mention of making Allowance to the Council of State (as it
 was Customary) forgott both themselves and that Modera-
 tion and Temper also, which is necessary for Carrying on
 the business of Legislation and instead of Consenting to pay
 the Council as heretofore, they upbraided us and very p. 122
 unhandsomely reflected upon our Characters for the renew-
 ing of our Claims only to the usual Allowance and Adher'd
 still to their former Allegations that the Allowance to the
 Council of State was included within the Revenue of 12^d
 p hhd raised upon Tobacco for the support of Government
 as yo^r Lordship may please to see more particularly, by the
 Messages in our Journall: altho by the Terms of the Act for
 the raising of the Revenue and by the Practice of the house
 in paying the Council of State for some years after the
 passing the same are Evident proofs of their^e great mistakes
 therein.

We are in hopes therefore that your Lordship will be
 pleased to take the Affair under your further Consideration
 and propose some means or other whereby Your Council of
 State may be supported and the Members thereof Excited
 to a Chearful Discharge of that trust as often as your Lord-
 ships and the Countreys business shall require their at-
 tendance.

May Your Lordship enjoy a long and Uninterrupted State
 of Health, may yo^r Government over this Province procure
 you the Affluence of all worldly Happiness and may your
 faithful Tennants rejoyce and prosper under your Lord-
 ships mild Administration, all which will be a particular
 pleasure to

May it please Your Lordship

Yo^r Lordships faithful Tenants and

most Dutiful and Obedient Servants

William Holland	Rich ^d Tilghman
Samuel Young,	Benj. Tasker,
John Hall,	Phil. Lee
Phil ⁿ Lloyd	

By the Upper House of Assembly November the 5th 1725 p. 123
 Gentlemen.

We Desire that you would send two of the members of
 your House (if you shall think fit) to see the Laws Sealed
 that have hitherto past the two houses that they may be sent

U. H. J. to your House in order to be presented to the Governour for his Assent at the Close of the Sessions.

Signed p Order. Geo Plater Cl Up Ho.

Sent by Coll Tilghman who says he Delivered it

Whereupon John Beale Esq^r and Captⁿ Hooper from the Lower House attend in the Conference Chamber to see the Laws Sealed which are carried to the Lower house by the said Beale and Hooper

This House adjourn till to Morrow Morning Eight of the Clock.

Saturday Morning Nov^r the 6th 1725

This House met Again according to Adjournment. Psent as yesterday

Read the Message of yesterday by M^r Harris and five more to which the following Answer was made viz.

By the Upper House of Assembly Nov^r the 6th 1725
Gentlemen.

p. 124 In Answer to yo^r message by M^r Harris and five more by which you seem desireous to know whether this House will Concurr with you in the raising of A Sum of Mony for the Support of an Agent in England; we think fit first to put you in mind that when as we remember in or about the Year 1720 this House Strenuously insisted upon the Continuance of Coll Blakiston then Agent, at which time your house were pleased to be very averse thereto, and Shew'd for reasons that although when this Government was imediately Under the Crown, An Agent might then be necessary Considering the great difficulty of Access to his Sacred Majesty tho even then the Advantage appeared so small, and the charges so Burthensome to the Countrey, it was thought Scarce necessary; and that in regard since his Lordships Restoration to the Government the Access is become so very easie that no one can have Cause of Complaint much less either of the Branches of the Legislature; or as we remember some what to that effect; nor can we see but the same reasons yet hold; Besides the manner of your Demands are yet more unreasonable seeing by your message you intend such Agent only to be Employed to represent your Addresses, and Aggrievances, as if this house had not equal right to the Service of an Agent; for the reasons above (and the Sessions being as we appre-

hend so near a Conclusion) we cannot think it proper to Enter U. H. J. into a Debate about an Agent at this time.

Signed p Order Geo. Plater Cl Up Ho.

Sent by Philemon Lloyd and Philip Lee Esq^{rs} who return and says they delivered it

A message from the Lower house by John Beale Esq^r & Col^o Belt as follows viz

By the Lower house of Assembly Novem^r the 6th 1725.
May it please Yo^r Hon^{rs}

This House does appoint John Beale & Vachel Denton p. 125 Esq^{rs} to be joyned with such Members as shall be appointed by yo^r House in a Com^{it}tee, to apportion the publick Levy for this present year and we are also willing that the severall members and Officers of both Houses be allowed at the rate of Ten Shillings Current money p hundred for what Tobacco is due to them for their attendance and Services this Sessions (more than already allow'd in the Journall of the Com^{it}tee of Acco^{ts}) if your Honours approve thereof

Signed p Order M. Jenifer Cl Lo. Ho.

To which Message the following Answer was prepared viz.

By the Upper House of Assembly Nov^r the 6th 1725
Gentlemen.

This House does Concurr with you in yo^r Message this day by John Beale Esq^r and Coll Belt in relation to the allowance proposed and has Appointed Benj. Tasker Esq^r to be joyned with John Beale and Vachel Denton Esq^{rs} in a Com^{it}tee to apportion the publick Levy for this present year

Signed p Order Geo. Plater Cl. Up. Ho.

Sent down by Benj^a Tasker Esq^r who returns & Says he Delivered it.

A Bill from the Lower House by John Beale Esq^r and M^r Waughop Entituled An Act for the paym^t and Assessment of the Publick Levy of this Province thus Endors'd viz.

By the Lower House of Assembly Novem^r 6th 1725
Read the first and second time by especial Order and will pass

Signed p order M. Jenifer Cl. Lo. Ho.

U. H. J. Which Bill being read is ordered to be further thus endorst
p. 126 Viz.

By the Upper House of Assembly November the 6th 1725
Read and will pass.

Signed p Order Geo. Plater Cl Up Ho.

Sent by Benj^a Tasker Esq^r who returns and says he Delivered it.

A Message from the Lower House by James Stoddart Esq^r & M^r Tilden Viz.

By the Lower House of Assembly Nov^r the 6th 1725.

May it please Yo^r Hon^{rs}

Your Honours opinion that Servants in this Province (tho suspected of some misdemeanors) are not in prudence and discretion, to be looked upon as persons of ill fame within the meaning of the Statutes is contrary to the Judgments and resolutions in all those Books, from whence alone yo^r Hon^{rs} can be informed of what the Law is concerning the peace and good Behaviour

Your Definition of persons of ill fame, in what you are pleased to Assign as your first reason is too Narrow to be a generall definition; and as to what you are pleased to Offer as Instances to support it they require only reading. Your second remark concerning Servants, can never make any alteration in the Law for freemen. If a House keeper may be Obliged to give Security for his Inmate, why not for his Servant; if a Man may not keep a Dog accustomed to bite Sheep; why must he be protected in keeping a Man accustomed to break Houses without giving Security for his good behaviour; if a man that keeps ill Company may be bound by the Discretion of a Magistrate to his good Behaviour, why not the very master himself that keeps such Servants, as are a terrour to the Neighbourhood they live in? If a Serv^t may never be bound over to prevent his breaking the peace, why should a freeman be in worse Condition; If a Servant may not be Committed till he has Committed a Crime, what becomes of preventative Justice? Really Gentlemen as you have profess'd yo^rselves at a loss on Several Occasions this Sessions, we believe you will find yourselves also at a loss to find Law to Support the positions of your aforesaid Message; We humbly pray yo^r Hon^{rs} to be better advis'd for the future in

such Matters, before you Communicate Yo^r thoughts thereon U. H. J.
to the publick.

Signed p order M. Jenifer Cl Lo Ho

Which is Ordered to lye on the Table.

An Engrost Bill from the Lower House by James Stoddart Esq^r & M^r Courts Entituled An Act for the payment and Assessment of the publick Levy of this Province for this present year 1725 which was thus Subscribed viz.

By the Lower House of Assembly Nov^r the 6th 1725
Read and Assented to by the Lower House of Assembly &
Signed p Order M. Jenifer Cl. Lo. Ho.

Which was read. and Assented to by this House and
Ordered to be So Subscribed.

And the paper Bill so Endorst was sent by Philip Lee Esq^r
who returns & Says he delivered it.

A Message by James Stoddart Esq^r and M^r Courts viz.

By the Lower House of Assembly Nov^r the 6th 1725. p. 128
May it please Yo^r Hon^{rs}

It appearing by the Journalls of this House in 1722 & 1723
that Encouragement should be given to a Printer that would
set up a press in the City of Annapolis and Thomas Bordley
Esq^r a member of this House having acquainted this House
that he has sent for a Printer on the Encouragement given
him by the Resolves of this House then made, we are willing
that the same should be Confirm'd to the said Thomas Bord-
ley Esq^r and desire yo^r Hon^{rs} concurrence with us herein

Signed p Order M. Jenifer Cl. Lo Ho.

Which being read the following Answer was thereto pre-
pared viz.

By the Upper House of Assembly Novem^r the 6th 1725.
Gentlemen.

We Concurr with you in Yo^r Message by James Stoddart
Esq^r & M^r Courts to give reasonable Encouragement to the
first person who shall Set up a printing Press (whether it
be Thomas Bordley Esq^r or any other person) pursuant to
the Journalls mentioned therein.

Signed p Order Geo. Plater Cl Up Ho.

U. H. J. Sent by Phile Lloyd Esq^r who returns & says he Delivered it

By the Upper House of Assembly Nov^r the 6th 1725.
Gentlemen.

We desire you would send two of the Members of Your House to see the Act for the payment and Assessment of the publick Charge &c^a Sealed that it may be sent to your House
p. 129 in order to be presented (with the rest of the Laws) to his Honour the Governour for his Assent.

Signed p Order Geo Plater Cl. Up. Ho.

Sent by Phill Lee Esq^r who returns and says he delivered it.

And thereupon Captⁿ Dashiel and Hooper from the Lower house attend in the Conference Chamber and see that Law Sealed after which it is carryed to the Lower House by the said Dashiel and Hooper.

Col^o Holland is sent to the Lower House to acquaint the Speaker and the whole House that his Honour the Governor requires their Attendance in the Councill Chamber immediately.

Who returns and says he Delivered the Message.

Whereupon M^r Speaker and the whole House attend accordingly and M^r Speaker presents to his Hon^r the Governor the following Laws which were Signed and Assented to (on behalfe of the right Hono^{ble} the Lord Proprietary of this Province) by his Hon^r the Govern^r and Sealed with his Lordships great Seal at Arms viz.

N^o 1 An Act for ascertaining the form of the Oath of Judge or Justice

N^o 2 An Act to prevent several Irregularities Complaind of by the people called Quakers

N^o 3. An Act to restrain the ill practices of Attorneys and to prevent their taking Money fees and Ascertainning what fees shall be allowed to Practitioners in the Law who shall attend the Circuit Courts.

N^o 4. An Act reviving the Act for better relief of poor Debtors

N^o 5. An Act for Destroying Squirrels and Crows

N^o 6. An Act for Relief and Release of poor distress'd prisoners for Debt.

N^o 7. An Act for relieving the Inhabitants of this province from Sundry Aggrievances they lye under Occasioned

by the Scarcity of Tobacco within this Province in the Year U. H. J.
1724

N^o 8 An Act to Encourage the Takers up of Runaway p. 130
Slaves that shall be taken up by any person and brought in
from the Back woods.

N^o 9 An Act Declaring female Mulattoes born of white
women and free Negroe women Taxables.

N^o 10 An Act declaring probates of Deeds or other
matters & Acknowledgments of Deeds taken before two
Magistrates of the City of Annapolis good and valid in Law.

N^o 11 An Act for removing the Court House from Battle
Creek in Calvert County and for Building a Court house for
the said County on or near that place in the said County
Commonly Called or known by the name of William's Old
field and for making Sale of the Old Court house and Prison

N^o 12 An Act for the Naturalization of Michael Ury of
Prince Georges County a Greek

N^o 13. An Act to enable Orlando Griffith and Catherine
his Wife to sell the Moiety or half part of a certain Tract of
Land hereafter mentioned & for the Intailing other Lands
in lieu thereof

N^o 14 An Act to enable John Speake Jun^r of Charles
County to Confirm a Tract of Entailed Land lying in Prince
Georges County called Plymouth unto the Purchasors
thereof, and to Entail certain lands in Charles County in lieu
thereof

N^o 15 An Act Entituled A Supplementary Act to An Act
Empowering certain Trustees to sell a Tract of Land in Tal-
bot County called Frankfort St. Michael (late the Estate of
Inheritance of Will^m Harris late of Calvert County and with
the money thereby arising to purchase other Lands for the
use of Joseph Harris & Benj^a Harris son of the said W^m Har-
ris and the Heirs of their Bodys according to the direcons
of the last will and Testament of the said William Harris

N^o 16 An Act to Confirm an Estate in ffee Simple to such
persons as already have or hereafter shall purchase any
Lands lying in the new Town Commonly called the Addition p. 131
to the City of Annapolis or any land adjoyning to the said
City of Annapolis Called the Town pasture or Common and to
invest them with the same priviledges within the City of
Annapolis as other the Freeholders therein now have or here-
after may Enjoy.

N^o 17 An Act to Invest the vestry of great Choptank
parish in Dorchester County with an Estate in ffee Simple
to the Lands therein mentioned

U. H. J. N° 18. An Act for the Relief of James Moore of Baltimore County.

N° 19. An Act to Repeal An Act Entituled An Act for Confirming and making Valid the last Will and Testament of Col° John Contee

N° 20 An Act for divideing great Choptank Parish in Dorchester County and for Erecting a Parish out of the Same called by the Name of S^t Marys White Chappell

N° 21 An Act for the Payment and Assessment of the publick Charge of this province for this present year 1725

After which his Hon^r the Govern^r was pleased to Conclude the Sessions in manner following viz.

Gentlemen of both Houses of Assembly

This Sessions being Concluded it remains only that I Prorogue you which I do with the advice of the Council to the third Tuesday in March next and you are required to take Notice that you are accordingly so prorogued

November 6th 1725

Cha: Calvert

Thus Endeth the 12th Session of Assembly held for this province since his Lordship the right Honourable Charles Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore has been restored to his Government of this province this 6th day of November in the tenth year of his said Lordships Dominion &c. Annoq Dmi 1725

Test Geo. Plater Cl. Up. Ho.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, October 6–November 6, 1725.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss:

At A Sessions of Assembly begun and held at the City of Annapolis in Ann Arundell County for the province of Maryland the fifth day of October Anno Domini Seventeen hundred and Twenty five, By virtue of his L^{pps} writt of Elecōn bearing date the Eleventh day of June last past to the Several Sheriffs of this province and the Mayo^r Recorder & Aldermen of the City of Annapolis, Directed to Chuse the Sev^l Representatives for the said Counties and City af^d according to the Act of Assembly in such Cases provided to Serve in a Generall Assembly to be held for the said province at the City af^d the first Tuesday in October instant, Assembled at the Stadt house in the said City the following Representatives, Viz.

L. H. J.
State
Archives
Original
P. 193

St. Mary's County

Coll^o Tho^s Tru: Greenfeild
Cap^t Justinian Jordan
M^r Tho^s Waughop

For Ann Arundell County

Thomas Bordley Esq^r
John Beale Esq^r
M^r Rich^d Warfeild
M^r Tho^s Worthington

For the City of Annapolis

Robert Gordon Esq^r
Vatchell Denton Esq^r

For Calvert County

M^r Benj^s Mackall
M^r Walter Smith
Maj^r Anderton Skinner

For Talbot County

The Hon^{ble} Robert
Ungle Esq^r
M^r James Hollyday
M^r Nicholas Goldsborough
M^r Benjamin Pemberton

For Cæcill County

Coll^o John Ward
Maj^r Francis Mauldin
M^r Thomas Johnson

For Baltemore County

M^r William Hamilton
M^r Thomas Sheredine

For Prince George's County

James Stoddert Esq^r
M^r Ralph Crabb
L^t Coll^o Joseph Belt

For Charles County

Cap^t George Dent
M^r John Courts
Cap^t Joseph Harrison
M^r Henry Holland Hawkins

For Somerset County

Cap^t Rob^t King
M^r George Dasheile
M^r Levin Gale
W^m Houghton Esq^r

L. H. J. Afterwards by virtue of his L^{pps} Writt of prorogation bearing date the same fifth day of October this present Generall Assembly was further prorogued to the Sixth day of October Instant

According to his L^{pps} Writt of prorogation the Severall members appeared as on Yesterday.

Coll^o Holland and Coll^o Addison from the Upper House with George Plater Gent their C^{lk} enter the House and Administer the Severall oaths Appointed by Act of Assembly to the Severall members aforementioned who severally subscribed the said Oaths & also the Test & then withdrew.

Then the Severall members afores^d proceed to the Choice of a Speaker and by the majority of Voices Elect the Honourable Robert Ungle Esq^r for their Speaker and place him in the Chair.

M^r Benjamin Mackall and M^r Courts are Sent to acquaint his Honour the Governour of the Choice of a Speaker.

They return and say they delivered their message

James Bowles and Phillip Lee Esq^{rs} from the Upper House acquaint the Severall members that his Hono^r the Governo^r requires them to present their Speaker and to Attend him Instantly in the Upper House.

p. 194 Coll^o Thomas Trueman Greenfeild and James Stoddert Esq^r with the rest of the members go to the Upper House there to present their Speaker to his Honour the Governour.

M^r Speaker wth the rest of the members returns to their own house where M^r Speaker resumes the Chair, and Reports that his Hono^r the Governour was pleased to approve of the Choice, and that M^r Speaker in the Name of the whole house desired his Honour the Governour on his L^{pps} behalf to Confirm all the ancient and accustomed priviledges belonging to the said House, which his Hono^r was pleased to Grant.

After which his Honour the Governour on his L^{pps} behalf delivered the following Speech Viz.

Gentlemen of the Upper and Lower Houses of Assembly.
C Baltemore

As I have always declared the publick Good of my Province should be the Rule of my Government the Good Effects whereof I perswade myself you have found some Instances of, since I Came to my Dominion over you, so I am Determined to persist in the Same Resolution, Notwithstanding any late Expressions of mine or mistaken Constructions put on them.

Gentlemen of the Lower House

L. H. J.

That the people of Maryland are his Majesty's Subjects, I never yet heard any one so wild to deny, and cannot find out from any thing in my Instruction Set forth in your Address, which could induce you to take so much pains to prove it, any more than I can see a foundation for your Resolutions concerning his Ma^{ty's} Title to this province, under whom by virtue of my Charter I hold within the bounds whereof I shall always Rule.

No Doubt Gentlemen as you observe, We of Maryland are in the Circumstances of Conquerors, rather than the Conquered [which] has put [it] in our power to Treat the native Indians with that tenderness and humanity, they have so often met with; Actions worthy Englishmen and Reall Conquerors.

Many Debates if I am rightly informed, have been in former Assemblies, whether the Statutes of England did Extend to you, or no, without either Houses coming to Resolution thereon, and the most comon received opinions of the best Lawyers of England have been against it and severall adjudged Cases Support those opinions, as in particular the Habeas Corpus Act has been often adjudged by all the Judges not to Extend either to Ireland or the plantations; which is as strong a Case as can be mentioned, as it is in favour of Liberty and the Terms of the Act as Generall as can be. If the Statute of the 5th Elizabeth about Servants were to Extend to the plantations it would be destructive to the very being and Constitution of them. The same may be observed of the Statutes of Usury, and that to prevent fraud and perjury and many others which have been Expressly and often held not to Extend to the plantations, when doubted either in the Courts of Law or before the King in Council, and yet these are Generall Laws of Equall obligation with any other Law or Statute whatever.

I think it needless to mention any other Cases; Unless it be that of Blankard and Galdy, and Little thought to find a position introduced with that Solemnity to be only the Saying of a single Counsell on one Side the Question, in opposition to the Averment of the Counsell on the other Side, and Contrary p. 195 to the Resolution of the Judges in that very Case Viz. That Jamaica was not bound by our Laws unless particularly mentioned therein, but by their own particular Laws and Customs.

The full power I have with the advice assent & approbation of the freemen of the province, or their Delegates to Enact any Laws whatever, appertaining either to the publick state

L. H. J. of the province or the private Utility of particular persons, so they be Agreeable to Reason, and not Repugnant or Contrary, but as near as Conveniently may be agreeable to the Laws Statutes Customs and rights of England, as is most fully set forth in my Charter, has put in our hands such ample power of making Laws proper for our Infant Condition, and different Termes of Maryland, that you will find it I believe your happiness, If the Statutes of England not Expressly Located thither are not in the Gross in force among you, And that your Resolutions have not force till Enacted into Laws of your own making with My Assent. However precarious you Gentlemen who are fond of the Expression, may esteem your Condition; 'Tis the Condition, I think I may use the Expression, 'tis the Happy Condition the Crown by my Charter hath thought fitt to place you under, And you by your Residence in Maryland ought quietly to Submit to; your predecessors have been thus fortunately Govern'd and flourish'd; And I trust yo^r Successors will have no Cause to Complain

Gentlemen of the Upper and Lower Houses.

I cannot but observe to you at this time what his most Gracious Majesty has been pleased to do in Relation to the English Statutes taking place in the plantations in a particular Case of Jamaica, Where An Act was lately made Intituled an Act for making his Majesty's Revenue perpetuall and Augmenting the same and Continuing and declaring what Laws are in force in this Island.

This Act his Majesty with the advice of his Council has been pleased to disallow after due deliberation and References had and Reports made thereon by the Lords Comissioners of his Ma^{ty's} Tresury by the Lords Comissioners of Trade and plantations and by his Majestys Attorney and Sollicitor Gen^l Recomending the said Act, Tho' in many parts of it highly necessary, as not proper to be allowed of For that (among many other Reasons set forth in the said Reports) the said Act might possibly introduce the whole body of the English Laws to become Laws of Jamaica, in Cases not particularly provided for by Laws of their own which in many Cases were by no meanes Competent but might do Great mischeif, and be attended with great Inconveniencies both to his Majesty's Governm^t in that Island and to the Estates and Commerce of his Ma^{ty's} Subjects there

Here Gentlemen you may perceive a Law after Mature Consideration (many parts of it agreed to be highly necessary & Convenient) disallowed of because in one part of it,

the English Statutes are made to operate in that part of his L. H. J. Ma^{ty}s plantations called Jamaica, which proceeding does not at all seem to Support some late Resolutions addressed to me Setting forth among other things, that such Generall Statutes of England as are not restrain'd by words of Locall Limitation, are in force in Maryland, another part of his plantations. Were they in force, what needs to make Laws to Establish them, as in the Case before you of Jamaica? The disallowance of which Act, with the reasons given for it Shews plainly that it is not thought proper to Suffer them to be introduced, As not Competent but Mischeivous in many Cases And the Attempting to make the Act shows as plainly, that they are not Lookd on as Laws of that Countrey, without a Law of p. 196 their own to inforce them

I must take notice indeed at the same time that this Act was represented to his Majesty as not proper for his allowance, it was recomended to him that if any of the particular Statutes of England should be look'd on as necessary & Convenient for them, and his Ma^{ty} should think them reasonable that he would be pleas'd to allow them to be introduced by a Law of their own making: and in this particular I esteem myself very fortunate it being so agreeable to that part of my Instruction set forth in your Address, Gentlemen of the Lower House, where I recomend, that when any of the English Statute Laws are found convenient, and well Adapted to your Circumstances you ought especially to Enact them de novo, or such part of them, as you think proper for you; and happy would it be for you all to Conduct yourselves accordingly.

What Laws Rules Customs, and Usages, are undoubted Certain, constantly adhered to, and known among you, farr be it from me to attempt to Alter, but for the Common Good, at your own request in Generall Assembly Legally Convened; any more, than I will Submit any alteracōns to be made by the opinions or Resolutions of others.

In all your Debates let me recomend to you Gentlemen of both Houses, Temper, moderation, and Good will towards one another of which I perceive from your Late Journalls, Some thing was wanting in the dispute relating to the Allowances due to the Council of State A Body of men Chose out of the ablest and worthiest among you to Serve the publick, and as such have found their Reward from their Country long before, and since the Act of Assembly, by which the twelve pence p^hh^d was raised towards the maintaining the Dignity and Station of my Lievtenant Governo^r and for such other uses as to me should seem meet, at the making of which Act it was not so much as Surmis'd that their Support should come from me and had it been Expressed, I would

L. H. J. have dissented thereto. I know what I part with by that Act, as well as what I receive from it yet am Contented with it since for the Common Good I have allow'd it, and hope I shall not be drove by the mistaken Good husbandry of some to look into my own Interest as to shew them their mistake for fear of hurting Others whom they Represent, The Good people of Maryland whose Wellfare and Interest I have so much at heart

[C. B.]

And afterwards his Honour the Governour [was pleased to] Express himself in the following words Viz:

Gentlemen of both Houses of Assembly

I am heartily Sorry his L^{PP}s Speech did not come to my hands Sooner, because I am perswaded, it must have prevented all those disputes about the Statutes of England, and the Great Expencc those Disputes have Cost the Country.

It is very Certain that many of those Statutes [not] restrain'd by words of Locall Limitation, would be prejudicial were they to take place here, some of which his L^{PP} has Mentioned; on the other hand many of those Generall Statutes would be of great use and benefit to us. The Question is how we shall make use of those that are proper for us, and Reject such as are Inconvenient; It may be said the Judges of the Severall Courts are to distinguish such Statutes as are proper, and such as are otherwise, and Judge accordingly. This indeed has been the practice since the Settling of the province, and this method has been Generally approved, till lately it was propos'd, the Judges hands should be ty'd by an oath to Judge according to the Statutes of England without any Exception, so that if any Gentleman practitioner of the Law finds it for the benefit of his Client (to whose interest he is sworn) to plead any Statute, tho' never so inconsistent with the conveniency of the Countrey, he may demand Judgm^t from the Judge according to the oath proposed to be taken; of what benefit is our Charter, which gives us Liberty to Enact such Laws, as are Convenient for the Country if we must be tyed down by such Statutes as are inconvenient, and were never designed for us, for it would be madness to Suppose the parliament of England has the plantations in View, when they pass an Act, without they are particularly mentioned.

Gentlemen.

It is proper we should come to a Certainty in relation to Such Statutes as are for our benefit, and such as are not; and

I can think of no better Expedient, than for a Committee of L. H. J. both Houses to make a Collection of them and to reject such as are not Convenient for us, and reenact such as are Suited to our Constitution, in which I shall heartily Concurr

I cannot help Recomendng to your consideration, an affair which may be attended with ill Consequences to the Country if not timely prevented. Some of our Runaway negroes are Harbour'd among the Shawan Indians on Potowmack River; I did with the advice of the Council, engage one of the Magistrates of Prince George's County to give the Cheife of those Indians an Invitation to meet me at Monokosy in order to Settle a Treaty with them, to prevent the Loss of any more of our Slaves as well as to regain those already there; Upon the Indians promise to the Gentleman that went to them, that they would meet me I went as far as the mountain with Some of the Council, and Severall other Gentlemen, But tho' we Stay'd above the appointed time, The Indians (for what Reasons I cannot tell) never Came. We then thought it proper to send a Messenger to know their Reasons for not Coming and he brought me Answer from them that they would Certainly Come to Annapolis during the Assemblys Sitting, so that there will be an opportunity of Concerting such measures as may prevent the Evils Complain'd of for the future. As I have had Occasion to mention the Council in this Transaction, I cannot but think those Gentlemen deserve their Usual allowance in attending the publick busieness; and were the Case put to any man as his own, I believe he must be of the same opinion

Gentlemen

I shall Conclude with Recomendng the necessary Dispatch of the publick affaires, as well as Temper, and moderation in Your Debates for as nothing can Conduce more to the well being of a people, Than Good Will towards one another; So nothing can be more Destructive to the publick Wellfare than unreasonable Jarring and Violent Passions.

Cha: Calvert

Of all which the further Consideration is Referr'd till to-morrow

The House proceeds to Choose their Clerke and Michael p. 198 Jenifer is unanimously Chosen.

Ordered that M^r Crabb and Cap^t Hooper Go to the Upper House to see him Qualified. They return and Say they see him Qualified

L. H. J. Whereupon the said Michael takes the usuall oath of Clerke before the Hon^{ble} James Stoddert Esq^r a Member of this House

Thomas Jobson is appointed Sergeant attendant to this House and Moses Adney Doorkeeper. Who Severally duely qualified themselves according to Law before the Hon^{ble} James Stoddert Esq^r

Resolved that this House will sit to do busieness from nine of the Clock in the forenoon till four in the Afternoon and thereupon the following message is prepared Viz.

By the Lower House of Assembly

Octob^r the 6th 1725

May it please Your Honours

This House in order to dispatch the publick busieness as much as in them lies have Entred a Resolve to sit from nine of the Clock in the forenoon till four of the Clock in the afternoon and desire to know whether the times proposed be agreeable to your Honours

Sign'd p ord^r M. Jenifer Cl. Lo. Ho.

Which was Sent by M^r Warfeild and M^r Dashiele to the Upper House.

They return and Say they delivered it.

L^t Coll^o John Ward a Member returned to Serve for Cecil County appears in the House. Ordered that Maj^r Mauldin and M^r Johnson go to the Upper House to see him Qualified

They return and Say they see him Qualified

Thereupon he took his place.

Vatchell Denton Esq^r is desired to acquaint the Reverend M^r Humphreys that this House desires him to read Divine Service at Eight of the Clock in the morning and four in the afternoon during the sitting of this Assembly.

Coll^o Thomas Trueman Greenfeild M^r Benj. Mackall, Henry Hooper, M^r Ralph Crabb and M^r Walter Smith are appointed as a Comittee of Elections and priviledges

The House Adjourns till to morrow morning nine of the Clock.

Thursday Oct^r the 7th

The House meets according to Adjournment

Yesterdays proceedings are Read

Jn^o Hall Esq^r from the Upper House delivers the following L. H. J. message Viz.

By the Upper House of Assembly

October [the 7th 1725]

Gent.

We Concurr with your House as to the times of sitting proposed in your Message yesterday by M^r Warfield and M^r Dasheile.

Sign'd p order [Geo: Plater Cl. Up. Ho.]

Vatchell Denton Esq^r Reports to the House he has Acquainted the Reverend M^r Humphreys with the Request of the House of Yesterday in Reading Divine Service

James Harris Esq^r M^r Marmaduke Tilden and M^r Simon Wilmer members Returned to Serve for Kent County, Capt John Rider a member Returned to Serve for Dorchester County and M^r W^m Elliot a member returned to Serve for Queen Ann's County Sev^{ally} appear in the House

Ordered that M^r Thomas Waughop and M^r George p. 199 Dasheile go to the upper House to see them qualified.

They return and Say they see them qualified

Thereupon they took their places.

Thomas Bordley Esq^r pursuant to the request of the Lower House last Sessions of Assembly brings into the House Severall printed Copies of the proceedings of the Lower House in the years 1722-1723: 1724 relating to the Government and Judicature of this province, which were delivered to the Severall members of this House

Of which printed Copies Together with the printed Copy of the Charter of this province and the Epistolary preface annex thereto all bound together this House approves as pursuant to the request & Intent of the House, And unanimously return their thanks to the said Thomas Bordley Esq^r for his Extraordinary Care and pains in making a Collection of the said proceedings and Composing the preface thereto and getting them printed for the publick Service. Thereupon the said Thomas Bordley Esq^r Expresses his Satisfacōn in the House's kind acceptance of his Endeavour in the publick Service

Resolved that all publick papers relating to the Lower House of Assembly and brought into this House be Kept and Lodged in the Assembly office for the future.

L. H. J. The Rules of the House read and agreed to Set up and ordered to be Entered as follows Viz.

By the Lower House of Assembly

October the 7th 1725

Rules and Orders of the Lower House of Assembly to be observed by the Members and others in the said House.

1. That no Burgess, Deputy or Delegate member of this House, shall use any reviling Speeches, or name any member by his proper name, otherwise than for Distinction Sake, but shall rather use some other Signification viz. The Gent that spoke last or the like.

2^d That no member Speake above once at the reading of any Bill or Debate without Licence of the Speaker and the House and if two persons or more rise up together, the Speaker shall appoint who shall speake first and no member to Interrupt another or Speake till the other have Ended.

3^d That none shall deliver his opinion or speake Sitting to any Bill or Debate but shall stand up and reverently direct his Speech to the Speaker

4th That every Bill propos'd to the House shall be read two Severall Days before it is Sent to the upper House and once after before it be Engrost and that between every reading one day shall be Intermitted and that in that time the Bill be laid on the Table for the perusall of all the Members unless on very urgent occasions, M^r Speaker with the Consent of the House shall Dispence [there]with, and then one Bill being read twice at one Sitting shall be as Sufficient as if read two Severall days when so Entred in the Clks Journall.

[5th] That no person shall come into the House of Assembly whilst the same is Sitting with Sword or other Weapon, but shall put the same into the hands of the Door keeper or other person appointed to receive the same upon penalty of such fine as shall be imposed on them by the Speaker, not Exceeding five Shillings for any one offence.

p. 200 6th That any Member bound to attend this Assembly that shall be absent at the hours and place appointed after the number of twelve of the Members with the Speaker are met according to the order for Settling the House; shall be fined according to the discretion of the Speaker not Exceeding five shillings for any one offence unless upon such Lawfull Excuse as the Speaker shall admit of

7th All misdemeanors which shall happen in the House shall be Censured and fined in the House.

8th That no Bill shall be read at any Time during this Ses- L H J.
sions till all the members in Town be called in, unless in Case
of sickness or other reasonable Excuse to be admitted of by
the Speaker.

9th That no member of this House presume to Smoake any
Tobacco within the Barr of this House (the Galleries Ex-
cepted) upon pain of being fined and Censured at the dis-
cretion of the Speaker not Exceeding five Shillings.

Coll^o Addison from the upper House delivers M^r Speaker
the Petition of Daniel Carter of Ann Arundell County Gent
Complaining that he has a Convict Servant man unjustly de-
tained in the publick prison at Annapolis thus Endorst viz:

By the Upper House of Assembly

October the 7th 1725

The within Petition being read is referr'd to the Con-
sideration of the Lower House of Assembly

Sign'd p order Geo: Plater Cl: Up: Ho.

The following Comittees are appointed and Sent out Viz:

For the Committee of Laws, James Stoddert Esq^r Tho^s
Bordley Esq^r Coll^o Thomas Trueman Greenfeild, James Har-
ris Esq^r Cap^t George Dent Cap^t Levin Gale, Cap^t Robert
King and Vachell Denton Esq^r

For the Committee of Aggreivances and Courts of Jus-
tice, Tho^s Bordley Esq^r M^r Richard Warfeild Cap^t Joseph
Harrison & L^t Coll^o Joseph Belt

For the Committee of Accounts, John Beale Esq^r L^t Coll^o
John Ward M^r James Hollyday, M^r Tho^s Worthington & Cap^t
John Rider

M^r Edward Wright, M^r Solomon Wright, & M^r John
Chairs Members returned to Serve for Queen Ann's County
appear in the House. Ordered that M^r Courts and M^r Prit-
chett go to the Upper House to see them Qualified

They return and Say they see them Qualified.

Thereupon they took their places

The House Adjourns till to Morrow Morning nine of the
Clock.

Fryday Oct^r 8th 1725

The House meets according to Adjournment

Yesterdays proceedings are read

It being Represented to the House that Col^o Ephraim Aug^t
Herman a member return'd to Serve for Cecil County [is] de-

L. H. J. tained in the Custody of the Sheriff of the said County [having been] taken on Saturday last at the Suit of a party,

Ordered that the Sergeart attendant to this House bring the Sheriff of the said County before the House to answer
p. 201 Contempt herein and that he Imediately discharge the said Coll^o Herman from the Arrest he is now under that he may attend the Busieness of the House.

The Petition of Thomas Topping a prisoner for Debt in Galvert County Goal was read and Rejected

Resolved that what printed Copies of the pceedings of the Lower House &c^a Remains more than are already Delivered to the Severall members of both Houses be applyed to the use of the publisher.

The Answer to his Honour the Governour's Speech prepared by the Committee of Laws was read & approved of and ordered to be Entred as follows Viz.

To the Honourable Charles Calvert Esq^r Governour of Maryland.

The Humble Address of the Lower House of Assembly
May it please your Honour

We beg your acceptance of our thanks for your obliging Speech at the opening this Sessions, and are Sorry his L^{pp} had not come Sooner to hand that we might have given it a more Imediate Answer ; but are not without hopes of Shewing yo^r Honour Sufficient Reasons before the Conclusion of this Sessions, to induce yo^r Honour to believe, That the Resolves of this House, relating to the Statutes of England are too well Grounded to be departed from, for any the Reasons that yet appear to us. But this being a matter that will require our particular Answer when we go upon the consideration of what is Communicated to us from his L^{pp} We hope your Hono^r will Excuse us at present from being more particular on that Subject.

We Gratefully acknowledge your Honours Care to provide against the Inconveniencies of Runaway Negroes and shall be ready to do any [thing] on our parts, to render your kind Endeavours Effectuall and as well in that as any other the matters proposed, that may happen to be debated among us, We shall shew our Regard to your Honours Kind Monitions, as well as the Sense we have of our own duty by demeaning ourselves as you are pleased to recomend

October the 8th 1725

R: Ungle, Speaker

Coll^o Tilghman from the Upper House delivers M^r Speaker the petition of Alexander Contee, Gent, praying leave to bring

in a Bill for Confirming the Act for confirming the will of L. H. J. John Contee Esq^r

By the Upper House of Assembly

October the 8th 1725

Upon Reading the within petition and the proofs of the Severall allegations therein mentioned herewith Sent it is recomended to the consideration of the Lower House

Sign'd p order Geo: Plater Cl: Up: Ho:

James Bowles Esq^r from the Upper House delivers M^r Speaker the Petitions of Evan Jones and of Edward Cox Languishing prisoners in Baltemore County Severally thus Endorst Viz.

By the Upper House of Assembly

p. 202

October the 8th 1725

The within Pet^o being read is referr'd to the consideration of the Lower House.

Sign'd p order Geo: Plater Cl: Up: Ho.

Phillip Lee Esq^r from the upper House delivers M^r Speaker The Petition of Sundry the Inhabitants of Choptanck Parish in Dorchester County praying that that parish may be Divided And the Petition of James Moore of Baltemore County praying Leave to bring in a Bill to Confirm the Sale of a Tract of Land called Robert Forrest to him in fee Simple Severally thus Endorst Viz.

By the Upper House of Assembly

October the 8th 1725

on being read is referr'd to the Consideration of the Lower House

Sign'd p order Geo: Plater Cl. Up. Ho.

from the Upper House delivers M^r Speaker John Sunderland against Samuel Gover and others proceeding on the Tobacco Laws &c

House of Assembly Oct^r [the 8th 1725]

on being read is referr'd to the Consideration of the Lower House.

Sign'd p ord^r Geo: Plater Cl up. Ho.



L. H. J. Coll^o Addison from the Upper House delivers M^r Speaker The Petitions of George Nation, Richard White & William Wafor Languishing Prisoners in Prince George's County Severally thus Endorst Viz.

By the Upper House of Assembly.

October the 8th 1725

The within Petition being read is referr'd to the consideration of the Lower House.

Sign'd p order Geo: Plater Cl: Up. H^o

The Answer to his Honour the Governour's Speech was Sent to his Honour by Cqll^o Greenfeild and five others.

They return and Say they delivered it

The House Adjourns till to morrow morning nine of the Clock.

Saturday Oct^r the 9th 1725

The House meets according to Adjournment

Yesterdays proceedings [were read]

His Lordships Speech being read and considered, ordered that the Committee of Laws prepare an Answer thereto.

M^r Speaker Communicates to this House his Hon^r the Governour's Answer to the Address of this House of yesterday viz.

M^r Speaker.

Please to return my hearty thanks to your house for their kind Address to me, and assure them I have no Greater pleasure than in laying hold of all opportunity to do the Country Service.

I am y^r humble Serv^t

Octob^r 9th 1725

Cha: Calvert

To the Hon^{ble} Rob^t Ungle Esq^r Speaker
of the Lower House of Assembly.

p. 203 John Beale Esq^r and Cap^t George Dasheile are added to the Committee of Aggrievances and Courts of Justice, And it is an Instruction to that Committee that they enquire into the Case of the Justice of Ann Arundell County as well into the Causes of their Great alterations in the Commissions there as into their disallowing a Statute of England to be read and produced there according to the severall Cases laid before the House, And that they Enquire of the members of Saint Mary's County as well as all others relating to their Com-

missions of the peace it being a standing part of their duty, L. H. J. and Alsoe to enquire what Magistrates have and what have not taken the Oath of Justice agreed upon to be taken the last Session of Assembly and also into the reasons why the same has not been taken

Coll^o Tilghman from the Upper House delivers M^r Speaker The Petition of James Chrystie a prisoner for debt in Cecill County thus Endorst Viz.

By the Upper House of Assembly

October the 9th 1725

The within Petition being read is referr'd to the Consideration of the Lower House

Sign'd p order Geo. Plater Cl. Up. Ho.

And the Petition of John Smith Sheriff of Cecill County praying an allowance from the publick for Sundry Services Endorst ut Supra

Which was read and referr'd to the Consideracōn of the Comittee of acc^{ts}

The Resolves of the Lower House of Assembly made the 25th Day of October Anno Dmi. 1722 being read the following resolves are unanimously approved of and ordered to be Entred

Resolved by the House that the members that are appointed as members of the Committee of aggreivances have likewise the Character of a Committee for Courts of Justice, and that that Character and the Duty of such Comittee, be annex to the said Comittee of aggreivances as a standing part of their Duty

And that it be an Instruction to the said Comittee as a Comittee of Courts of Justice that they observe the nature of all the Commissions to the Severall Courts of Judicature within this province and that they especially observe any alterations that may at any time happen by accidentall omission, or otherwise, therein, and particularly relating to such words therein as require the Severall Judges and Justices to hear and determine according to the Laws Statutes Ordinances & reasonable Customs of England, and of this province, or to such other words as have Relation thereto, and that they shall Imediatly make Report to the House of any alteration that shall at any time happen in Such Commissions, and likewise to have regard as near as may be to observe wherein they Differ from the forms of the Severall Sorts of Comissions to the Judges and Justices in England

L. H. J. Likewise Resolved that it be an Instruction to the said Committee to inspect the form of the oaths of office that have been and now are usually taken by the severall magistrates; and that in Case the following clause be not inserted in the said oath it be Reported to the House; Such Clause being agreeable to the Oath taken by the Judges in England and resolved to be necessary here Viz.

“ To do equall Law and right to all the King’s Subjects rich & poor and not to delay any pson of Comon Right for the Letters of the King the Lord Proprietarys or of any other; [or] for any other Cause. But if any such Letters come to them they shall proceed to do the Law, the Same Letters Notwithstanding.”

p. 204 And that Copy of these Resolves be made and given to the said Committee, when they first go out, every Sessions; and that making and giving such Copies, be the undoubted Duty of the Clerke of this House and within the purview of his oath

Resolved also, that this province is not under the Circumstance of a Conquered Country; that if it were, the present Christian Inhabitants thereof would be in the Circumstance, not of the Conquered but of the Conquerors, It being a Colony of the English nation Encouraged by the Crown to Transplant themselves hither for the sake of Improving and enlarging its Dominions which by the Blessing of God upon their Endeavours, at their own Expence and Labour has been in Great measure obtain’d. And ’tis unanimously Resolved, That whoever shall advance that his Ma^{ty}s Subjects by such their Endeavours and Success have forfeited any part of their English Liberties are ill wishers to the Country and mistake its happy Constitution

Resolved also that if there be any pretence of Conquest it can be only Suppos’d against the native Indian Infidells which Supposition cannot be admitted, because the Christian Inhabitants purchased Great part of the land they at first took up from the Indians as well as from the Lord Proprietary; and have ever Since Continued in an Amicable Course of Trade with them Except some partiall Outrages and Skirmishes, which never amounted to Generall Warr, much less to a Generall Conquest, The Indians yet Enjoying their Rights and priviledges of Treaties and Trade with the English of whom we yet frequently purchase their Rights of such Lands we take up as well as of the Lord Prop^{ty}

Resolved further that the province hath allways hitherto had the Common Law, and such Generall Statutes of England as are not restrain’d by words of Locall Limitation in them, and such Acts of Assembly as were made in the Prov-

ince, to suit its particular Constitution as the Rule and L. H. J. Standard of its Government and Judicature such Statutes and Acts of Assembly being Subject to the Like Rules of Common Law or Equitable Construction as are used by the Judges in Construing Statutes in England which happy Rules have by his Ma^{ty} and his Royall Ancestors, and also by his Lordship and his noble Ancestors or some of them been hitherto approv'd by Leaving the Commissions of Judicature to Include directions of that nature to the Severall Judiciall magistrates unless those words have at any time been Casually or Carelessly omitted by the officers in this province that drew such Commissions That therefore whoever shall advise his L^{pp} or his Successors to govern by any other Rules of Government are Evill Councillors, Ill wishers to his L^{pp} and to our present happy Constitution, and Intend thereby to infringe our English Liberties, and to frustrate in great Measure the intent of the Crown by the Orriginal Grant of this Province to the Lord Proprietary.

The Petition of James Moore was Read again and referr'd to the Committee of Laws to Examine into the truth of the Allegations of the Petition and make their Report thereon And Ordered that the heir at Law have notice thereof.

The Petition of the Inhabitants of Choptanck Parish was p. 205 read and ordered that publick notice be given of the said Petition

The Petition of Alex^r Contee Gent. was read and Thomas Bordley Esq^r a member of this House on the Motion is admitted of Councill for the said Contee and resolved that the same be further heard on Monday next.

James Bowles Esq^r from the Upper House delivers M^r Speaker The Petition of the Inhabitants of the South Side of Patapsco River in Baltemore County praying that, they may be united to Ann Arundell County thus Endorst viz.

By the Upper House of Assembly

October the 9th 1725

The within Petition being read is recomended to the Consideration of the Lower House

Sign'd p order Geo: Plater Cl Up: Ho.

Which was read and Leave Given to bring in a Bill unless Cause Shewn to the Contrary next week.

The House Adjourns till Monday Morning nine of the Clock.

L. H. J.

Monday Oct^r 11th 1725

The House meets according to adjournment

Saturdays proceedings are read.

M^r Phillip Kennard a member returned to Serve for Kent County appears in the House.

Ordered that Coll^o Ward and M^r Tilden go to the Upper House to see him qualified. They return and say they see him qualified.

John Rousby Esq^r from the upper House delivers M^r Speaker the Pet^o of Michael Ury a Greek for his Naturalization thus Endorst Viz.

By the Upper House of Assembly

October the 11th 1725

The within Petition being read is referr'd to the consideration of the Lower House

Sign'd p order Geo. Plater Cl Up. Ho:

The Petition and Representation of the Inhabitants of Talbot County praying that two Delegates only instead of the four for the Severall Counties may be Elected, was read and rejected Nemine Contradicente

On a motion being made the Question was put whether any alteration shall be made in the allowances to the Severall Members of both Houses for their attendance in Assembly times or not. It passed in the Negative

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Pet^o of John Kersey a prisoner for Debt in Baltimore County, and of John Dorsey Gent Surveyo^r of the same County Complaining of the small allowance that is to be made him by the Act for laying out the Town of Joppa in the said County severally thus Endorst viz:

By the Upper House of Assembly.

October the 11th 1725

The within Petition being read is recomended to the Consideration of the Lower House.

Sign'd p order. Geo. Plater Cl. Up: Ho:

Resolved that no Petitions be received after Saturday next.

The Petition of the Inhabitants of Cecill County Complaining of Sundry aggrievances, was read and referr'd to the Committee of Aggrievances for their Examinacōn and Report thereon.

A petition of Sundry Inhabitants of Talbot County Com- L. H. J.
plaining of an undue Election in that County was read and P. 206
referr'd to the Committee of Elections and priviledges to Ex-
amine into the allegations of the Petition and to make their
Report thereon to the House.

John Hall Esq^r from the Upper House delivers M^r Speaker
The Petition of William Maynard a prisoner for Debt in
Cecill County. And the Petition of John Fitz-Patrick a
prisoner for debt in Talbot County Severally thus Endorst
viz.

By the Upper House of Assembly

. October 11th 1725

The within Petition being read is referr'd to the Consider-
ation of the Lower House.

Sign'd p order Geo. Plater Cl. Up. Ho.

Coll^o John Mackall a member returned to Serve for Calvert
County appears in the House. Ordered that Cap^t King & M^r
Dasheile go to the Upper House to see him Qualified

They return and say they see him qualified Thereupon he
took his place.

Thomas Bordley Esq^r from the Committee of aggrievances
returns the following aggrievances and the Reports of the
Comittee thereon viz:

The Aggrievances from Somerset County

1st That they are oblidged to pay Eighty pounds of Tob^o
p Day to the Severall Justices and every Inhabitant is
oblidged to pay his proportionable part thereof (some of
them never having any Law Suits) praying that so much
on every Judgm^t may be taxed towards the defraying those
Charges.

2^d Relating to the Com^{rs} office that they are oblidged to
pay prodigious large ffees to the Com^{rs} Gen^l and yet must
go or send to Annapolis for Speciall Commissions to pass
their accounts

3rd That they must of late pay ten Shillings Extraordinary
or one hundred pounds of Tobacco to the Reg^r for such
Comissions praying that such busieness might [be] done in
the County Court or by the County Clerk and the ffees be paid
in Country Comodities.

4th That all publick dues be paid in Country Comodities
at a Certain Price and Tobacco rated at one penny p pound.

5th That the allowance for Wolves heads may be abated

L. H. J. Which said aggrievances were Sign'd by a Considera[ble number ?] of the Inhabitants of the said County and the report Endorst Viz.

By the Comittee of Aggrievances

Oct. 11th 1725

On Perusing the Paper of aggrievances hereunto Annexed from Somerset County we are humbly of Opinion that the first Second, third and fourth Articles thereof are worthy the Consideration of the House and fit to be remedied but the fifth we do not find to be any Grievance but a Generall benefit and part of the fourth So farr as relates to the paying five or ten shillings Extraordinary for Speciall Comissions we take not properly to fall under the consideration of the House as an abuse unprovided against, but that it is an Extortion against the Laws in force.

p. 207 M^r George Plater Reg^r of the Com^{rs} office having acquainted the Clerk of this Comittee that he should be Ready [to] attend on any Complaint against him, has notice to Attend on a Complaint from Somerset County relating to his taking a Fee for every Speciall Comission, who thereupon appears, and on hearing the Complaint gives in Substance the following Answer.

That before he Came to that office he was inform'd that the money perquisites for drawing and Stateing accounts would be worth forty or fifty pounds a year, But that when he Came to that office he found it no such thing, and Complain'd to the Comissaries that his Sallary was Small and the perquisites of the office much Lessened by the frequent Granting Speciall Comissions, and that thereupon he moved the Com^{rs} for Leave to Charge a fee of five Shillings for every Speciall Comission to pass an Account under an hundred pounds and ten Shillings for all above and that the Comissarys told him they thought it but reasonable and thereupon he informs the Comittee that he wrote to Severall of the Deputy Comissaries requiring them to insist on such ffees, but that since he heard they were Complain'd of he has given orders to the Contrary and should not insist further thereon and that he should be ready to give an Account of what he has received; all which is Reported and humbly Submitted to the House

Sign'd p ord^r Sam^l Hepbourn Cl. Com.

The Aggrievances Complain'd of by the Inhabitants of Cecil County viz.

1st That officers ffees are rated in Tobacco, and that in Scarse years they Exact treble the value viz: twenty Shillings

Sterl p hundred & allways at our uncertainty, Whereas if L. H. J. officers fees and other publick dues were rated in money to be paid at a price Curr^t in Tob^o or wheat 'twould be reduced to a Certainty

2^d That Judgment is given for the penalty of Bonds for the payment of Tobacco So that in Case Debtor can not pay Tobacco, but offers to pay in Country Comodities, the Creditor insists on the whole penalty; that if the penalty Exceeds ten pounds Sterl the att^{ry} insists on 200^{lb} Tobacco for his fee and the Sheriff Charges Execution fees on the whole penalty.

That thro' the Scarceness of Tobacco last year many Suits are brought and Judgments obtain'd on the penaltys of Bonds. They pray an Act that no Execution may not issue for more than the principall Debt Interest and Costs

That Ordinary Keepers are left to their Liberty to Charge either in Money or Tobacco, so that when Tobacco rises they Charge in Tobacco and thereby get Double the price assest by the Justices

The Report thereon is as follows viz:

By the Comittee of aggrievances.

October the 11th 1725

We find it in the power of the Justices of Cecill County to remedy the evill Complained of relating to the ordinary Keepers by assessing the rates of Liquors in what Specie they see fit, but are humbly of opinion the Severall other Matters therein Specified are fit to be remedied and worthy the Consideration of the House

Sign'd p ord^r Sam^l Hepbourn Cl. Com.

And the following aggrievances viz.

That the Duty on Pork as an Equivalent for the Duty on Furr is not so, nor Answers the Ends proposed.

That Molatto women or others married to negroes or Molattoes and their issue, be obliged to pay taxes.

3^d That Somerset County and some others that cannot make any quantity of Tobacco or flax, may have the Liberty of paying their publick dues in Country Comodities. p. 208

4th That instead of the Liberty to Kill small Stone Horses &c as p Act (after notice to the Owner) it may be Lawfull for any pson to geld such Horses and if they live the Owner to pay the Common price for Gelding

5th Containing the Same in Substance as the Complaints from Som^set County.

L. H. J. Whereon the foll^o Report is made, viz.

By the Committee of aggrivances Oct^r the 11th 1725

On perusing the first, Second, third and fourth Articles within mentioned We humbly offer them as fit to be considered, that Suitable Alterations may be made in the points Complain'd of, And we think the fifth is of the same nature with the second Article of the Grievances of Somerset County.

Sign'd p ord^r Sam^l Hepbourn Cl. Come.

Thomas Bordley Esq^r from the Committee of aggrivances Reports to the House Sundry aggrivances and other matters given in to that Committee from Somerset Cecill and other Counties and that they are worthy the Consideration of the House. Thereupon the same are referr'd for further Consideration

The House adjourns till to morrow morning nine of the Clock

Tuesday Oct^r 12th 1725

The House meets according to adjournment

Yesterdays proceedings are Read.

Coll^o Addison from the Upper House delivers M^r Speaker the following Petitions Viz.

The Petition of some of the people called Quakers on behalf of the whole Setting forth that they are Disturb'd at West River and Choptanck in their Worship by people setting up Booths Selling Drink &c.

The Petition of the Inhabitants of Oxford praying that new Com^{rs} and Clerk may be appointed for that Town.

The Petition of Orlando Griffith and Katherine his wife praying Leave to bring in a Bill for the Cutting off the Intail on a Tract of land called Howards Timber neck and for Entailing other Lands in Lieu thereof, And

The Petition of Francis Holland of Baltemore County Gent. Setting forth that he and his Sureties lye under sundry hardships by his Sheriffs bond being sued at the request of sundry Persons

All which Petitions were Severally thus Endorst viz.

By the Upper House of Assembly

October the 12th 1725

The within Petition being read is referr'd to the Consideration of the Lower House.

Sign'd p order Geo. Plater, Cl. Up. Ho.

Philemon Lloyd Esq^r from the Upper House delivers M^r L. H. J. Speaker the Petition of Lewis Deford praying to be naturalized, And the Petition of John Hall Esq^r relating to his being Employed in Collecting Quit Rents &c. due to the late Lord Prop^r Severally Endorst Viz.

By the Upper House of Assembly Oct^r the 12th 1725 p 209
Read and referr'd to the Consideration of the Lower House
Sign'd p order Geo: Plater Cl: Up. Ho:

James Bowles Esq^r from the Upper House delivers M^r Speaker Sundry papers relating to M^r Riders and M^r Nickolls Claim to part of the Indians Lands &c^a with the following message viz:

By the Upper House of Assembly
October the 12th 1725

Gentlemen.

We herewith Send you Severall papers laid before us by his Honour the Governour relating to M^r Riders and Nickoll's Claim to part of the Indian Lands at Chicocoan upon Nanticoak and Choptanck Rivers and propose that a Committee of some Members of both Houses be appointed to Enquire into that affair and make Report thereof.

Sign'd p order Geo: Plater Cl. Up: Ho:

Coll^o Greenfeild from the Committee of Elections and priviledges return the following report viz:

By the Committee of Elections and priviledges
12th October 1725.

We of the Committee having Examined the severall returns made by the Severall Sheriffs of this province make the following Report thereon viz.

On Inspection into the Indentures return'd from S^t Maries County we find M^r Samuell Williamson Coll^o Tho^s Trueman Greenfeild Cap^t Justinian Jordan and M^r Thomas Waughop are duely Elected according to Law

We also find James Harris Esq^r Phillip Kennard, Simon Willmer and Marmaduke Tilden Members returned to Serve for Kent County are duely Elected according to Law

We also find Thomas Bordley Esq^r John Beale Esq^r M^r Richard Warfeild and M^r Thomas Worthington members returned for Annarundell County are duly Elected according to Law

L. H. J. We also find M^r Robert King M^r George Dasheill M^r Levin Gale and M^r William Stoughton members returned for Somerset County are duely Elected According to Law

We also find Coll^o John Mackall, M^r Benjamin Mackall M^r Walter Smith and Maj^r Anderton Skinner members return'd for Calvert County are duely Elected according to Law

We also find Cap^t George Dent, M^r John Courts Cap^t Joseph Harrison & M^r Henry Holland Hawkins members return'd to Serve for Charles County are duly Elected according to Law

We also find Cap^t Henry Hooper Cap^t John Rider M^r John Kirke and M^r Edward Pritchett members returned for Dorchester County are duly Elected according to Law, But we find no Writt return'd with the Indentures.

We Also find Coll^o John Ward, Coll^o Ephraim Aug^t Herman Maj^r Francis Malden and M^r Thomas Johnson Members return'd for Cecill County duly Elected according to Law.

Also find James Stoddert Esq^r M^r Ralph Crabb, M^r Thomas Gant Coll^o Joseph Belt members return'd for Prince George's County are Duly Elected according to Law.

We also find M^r Edward Wright, M^r Solomon Wright M^r Chairs and M^r William Elliott members return'd for Queen Ann's County are duely Elected according to Law, But find no Writt mention'd with the Indentures.

p. 210 We also find M^r William Hamilton M^r Daniell Scott Coll^o James Maxwell and M^r Thomas Sheredine are duly Elected according to Law as members for Baltimore County. But it having been represented to this Comittee, That M^r Thomas Sheredine Acted as under Sheriff untill the time of his being Elected, It is therefore humbly referr'd to the opinion of the House whether that Clause in the fform of the Writt for Electing Delegates Viz. But we will not in any wise that you or any other Sheriff in our Said province be Elected doth not Extend to the Severall under Sheriffs in this province

We also find that Robert Ungle Esq^r M^r James Hollyday and M^r Nicholas Goldsborough members return'd for Talbot County are duely Elected according to Law. But there being a Petition Laid before this Comittee by Sundry the Inhabitants of Talbot County which Complains of an undue Election in the County af^d and having Examined the Evidences produced to us by the Contending parties, We find that there was two poles offered to and received by the Sheriff one for Jacob Loockerman and the other for Daniell Sherwood and after one of them was Scrutiniz'd Viz. That for Jacob Loockerman the other parties which were for Daniel Sher-

wood declin'd their poll and Imediatly Some others offerr'd a L. H. J. poll for M^r Benjamin Pemberton which upon Scrutiny was found farr to Exceed the two former Exclusive of the other Votes Whereupon the Sheriff declared the said Pemberton to be duly Elected and thereupon Sign'd his Indentures, But how Legally is Humbly referr'd to the opinion of the House.

We also find Robert Gordon Esq^r and Vachell Denton Members return'd for the City of Annapolis are duly Elected according to Law

Sign'd p order John Gibson Cl. Com.

On Reading whereof this House Concurr's therewith in all its parts, But as to M^r Thomas Sheredine, The Question was put whether the said Sheredine at the time of his Election was duly qualified or not. It passed in the negative. Whereupon the said M^r Sheredine is dismissed from any further Attendance who withdrew accordingly. And Ordered that M^r Speaker issue his warrant to the Secretary to prepare a new writt of Election to the Sheriff of Baltemore County for the Electing a new Member to Serve in the Room of the said Sheredine returnable Imediately.

The Petition of Alexander Contee Gent: was Read again this day and on hearing the Allegations of all parties at the Barr of the House by their Council, And thereupon Leave is given to bring in a Bill as pray'd

The House adjourns till to Morrow Morning nine of the Clock.

Wednesday Octob^r the 13th 1725

The House meets according to Adjournment

Yesterdays proceedings are Read

On Reading the Petition of the people Called Quakers Ordered that the Committee of Laws prepare a Bill accordingly

Cap^t Harrison, M^r Hawkins, M^r Tilden & M^r Goldsborough p. 211 are appointed to be Joined with some of the members of the Upper House in a Committee to view the work done by Cap^t Hooper to the Stadt House, And a message is prepared thereon to acquaint the Upper House thereof. Which was Sent to the Upper House by Cap^t Harrison and M^r Hawkins. They return and say they delivered it

On a motion being made the Question was put whether Ordinary Keepers and all others shall have the Liberty of Selling Liquors as Sutler at all publick places or not. It passed in the negative. And it is an Instruction to the Comit-

L. H. J. tee of Laws to prepare a Bill accordingly with Liberty for Ordinary Keepers that have Licences to Sell Liquors at such places as the County Court shall approve of which may be added to the reviving Bill for Ordinaries

The Heir at Law of Thomas Roberts having notice of the Petition of James Moore returns for Answer that he has nothing to object Leave is Given to bring in a Bill as pray'd.

Resolved that an Address be prepar'd to his Ma^{ty} relating to the Convicts.

Ordered that the Committee for Courts of Justice Enquire into the Case of Ann Arundell County on Monday next and that they give notice to the Severall persons Concerned to attend the said Committee by ten a Clock that Day.

The Petition of Orlando Griffith & [uxor] was read again and referr'd to the Committee of Laws for their Examination and Report therein

The Petition of John Speake Jun^r of Charles County praying Leave to Bring in a Bill for the Cutting the Intail on a Tract of Land called Plymouth and for Entailing other Lands in Lieu thereof was read and referr'd to the Committee of Laws as above.

The Petition of some of the Inhabitants of Calvert County praying Leave to bring in a Bill for removing their County Court House to William's Old feilds was read and Leave given to bring in a Bill as pray'd.

John Rousby Esq^r from the Upper House delivers M^r Speaker The Petition of Charles Hamond of Ann Arundell County Gent praying leave to bring in a Bill to Confirm to him and his heirs &c Two Lotts he bought of Cap^t Thomas Larkin Lying in Annapolis Thus Endorst Viz.

By the Upper House of Assembly

October the 13th 1725

The within Petition being read is referr'd to the Consideration of the Lower House

Sign'd p order Geo: Plater Cl Up: Ho:

The Petition of Michael Ury was read again and Leave given to bring in a Bill as pray'd.

The Petition of James Donaldson of the City of Annapolis Gent. praying leave to bring in a Bill to invest in him a piece of Ground in the said City Orriginally laid out for a Landing place and to build a Custom House on &c was read and Ordered that the Pet^r give notice to all Concern'd.

The Petition of Valentine Carter late Sher of Queen Ann's

praying an allowance from the publick for keeping Guard L. H. J.
over some felons &c^a Was read and the Question was put p. 212
whether the same shall be received or rejected. Carried by
the Majority of Votes that it be rejected

A Petition of William Bozman of Somerset County for
bringing in a Bill to confirm a Deed from Randall Revell Sen^r
& ux^r to Randall Revell Jun^r & ux^r was read and ordered that
all parties concern'd have notice thereof and the same is
referr'd till to morrow morning.

Coll^o Addison from the upper House delivers M^r Speaker
the following message viz:

By the Upper House of Assembly

October the 13th 1725

Gentlemen.

In Answer to your message by M^r Hawkins and M^r Harri-
son this House do's appoint Coll^o Thomas Addison and Ben-
jamin Tasker Esq^r to be Join'd with Cap^t Joseph Harrison
M^r Henry Holland Hawkins M^r Marmaduke Tilden and M^r
Nicholas Goldsborough to view the work done to the Stadt
House to attend the Service to morrow morning and make
Report thereon

Sign'd p order Geo. Plater Cl. Up. Ho:

The Petition of the Inhabitants of Choptanck Parish pray-
ing leave to bring in a Bill to Confirm the land wherein the
Chappell of Ease of the said Parish at Vienna Stands was read
and leave given to bring in a Bill to confirm two acres of land
on part whereof the Chappell Stands to the use [of] the said
Parish forever.

On Reading the Report of the Committee of Aggrievances
on Monday last brought into the House from that Committee
(viz from Somerset County) relating to the Register of the
Comissary's office his Exacting a ffee of ffive Shillings in some
Cases and ten shill. in others, on every Speciall Comission to
pass accounts, and of ten Shillings on attachm^{ts} of Contempt
issueing out of that office, The Hon^{ble} William Holland and
Thomas Addison Esq^{rs} two of the Com^{rs} Generall being
desirous to acquit themselves (as they have informed this
House by a member thereof) from any Imputation they may
lye under by such proceedings (the said Regist^r having Sug-
gested to the Committee of aggrievances, that he took such fees
by order of the Com^{rs} and had wrote to the Severall Deputy
Comissarys to Demand such ffees for his own use alleging in
the Letters wrote that it was by order of the Com^{rs} Generall)
appear before the House and affirm that they never gave any

L. H. J. such Orders as the Register Suggests, But upon his application for ten Shillings on Contempts they told him that they were not satisfy'd with the Justice thereof, and Caution'd him to take Care that he did not demand any thing that the Law would not Justify him in taking and so left him to do it if he Saw fitt at his own perill. Thereupon George Plater
 p. 213 Gent: the Register being sent for appears and acknowledges that he has taken the ffees above mencon'd but that he did the same as of his own Accord and not with the order consent or approbation of the Com^{rs} Generall af^d and believes he was misunderstood by the Committee of Aggrievances in relation thereto that he misexpressed himself therein, but the Severall members of that Committee and other members of this House then present in that Committee affirm that he Express himself in those very words, And the said Com^{rs} Generall further produce to this House the Copy of a Letter which they wrote to the said Register upon their hearing of the matters alledged ag^t him as af^d Complain'd of, which Letter the said Register acknowledges to have reced the Tenor whereof follows in these words.

S^r

We are inform'd that it is made matter of Complaint and we are apprehensive may be laid as such before the next Assembly that we Suffer the Register in the Com^{rs} office to take a ffee of ten Shillings from every person that is brought into that Court by our attachment of Contempt. You may remember that when you insisted on that fee that we told you we were not satisfied of the Justice of it and Caution'd you to take Care that you did not demand any thing that the Law would not Justifie you in taking and so left you to do it if you Saw fit at your own perill.

We desire you will against the Assembly provide Yourself with Justifieable Authority for taking the said ffee or that you will refund the same to the severall persons from whom you have taken it.

We are Your Humble Servants

Com^{rs} office 15th Sept^r 1725

And thereupon the said Com^{rs} Generall withdrew and upon considering what their Honours the Com^{rs} Generall have said This House are nemine Contradicente of opinion that the said Com^{rs} Generall have [not] Acted any thing in the premisses af^d that can give any room of bringing any Imputation upon them.

The House adjourns till to morrow morning nine of the Clock.

Thursday Octob^r the 14th 1725

L. H. J.

The House meets according to adjournment. Yesterdays proceedings are read

Bill for Repealing the Act for confirming of Coll^o John Contee's will was read the first time and ordered a Second reading on Saturday next.

On a Motion being made the Question was put whether a Bill shall be brought in for killing of Squirrells.

It passed in the Negative.

On Reading the message of the 12th Instant by James Bowles Esq^r with Sundry papers relating to the claim of M^r Rider and Nickolls to some of the Indians Lands Coll^o Mackall, Coll^o Greenfeild, M^r Beale M^r Dasheile M^r Kirk and M^r Crabb are appointed to Join Such of the Members as shall be appointed by the Upper House in a Comittee for that purpose & a Message thereon is prepar'd accordingly and Sent to the upper House by Coll^o Mackall and Coll^o Greenfeild.

They return and Say they delivered it

Philemon Lloyd Esq^r and Coll^o Tilghman from the Upper p. 214 House delivers M^r Speaker the following message viz.

By the upper House of Assembly

October the 14th 1725

Gentlemen.

In answer to your message by Coll^o John Mackall and Coll^o Thomas Truman Greenfeild this House does appoint Philemon Lloyd Esq^r and Coll^o Richard Tilghman to be Joined with Coll^o John Mackall Coll^o Thomas Trueman Greenfeild, John Beale Esq^r Cap^t George Dasheile M^r John Kirke and M^r Ralph Crabb in a Comittee to Examine into Cap^t Rider and M^r Nickolls Claim to part of the Indian Lands &c. who will be ready to attend at the House of M^r Francis Bowes to morrow morning at nine of the Clock

Sign'd p order Geo. Plater Cl Up: Ho.

On reading the Petition of Francis Holland, the same is referr'd to the Comittee of Aggrievances to Enquire into the allegations of the Petition and make their Report thereon to the House.

On reading the Petition of John Hall Esq^r the Same is rejected Nemine Contradicente

The motion being made the Question was put whether the Votes thus relating to the killing Squirrells shall be resumed or not. It passed in the affirmative

L. H. J. The House adjourns till to morrow morning nine of the Clock.

Fryday October the 15th 1725

The House meets according to Adjournm^t Yesterdays proceedings are Read

The Petition of Benjamin Harris and Sam^l Dickenson praying leave to bring in a Bill to confirm a Conveyance to the said Dickenson from George Joseph and Benjamin Harris by virtue of an Act of Assembly made in 1708 for that purpose was read and leave given to bring in a bill as pray'd

A Supplementary Bill to the Act Empowering Trustees to Sell the lands late of William Harris of Calvert County &c^a was read the first time and ordered a Second reading to morrow

Phillip Lee Esq^r from the Upper House Delivers M^r Spēaker The Petition of Richard Devour of Baltemore County praying to be relieved against the proceedings of the Land Commissioners in that County thus Endorst viz.

By the Upper House of Assembly

Octob^r the 15th 1725

The within Petition being read is referr'd to the Consideration of the Lower House.

Sign'd p order Geo. Plater Cl. Up. Ho.

A Bill to prevent the great Evils occasioned by Small Stone Horses was read the first time and ordered to lie on the Table.

A Bill to prevent Severall Irregularities complained of by the People called Quakers was read the first time and ordered to be laid on the Table

John Rousby Esq^r from the Upper House delivers M^r Spēaker the ffollowing papers Viz:

p. 215 To the Honourable the Upper and Lower Houses of Assembly

Gentlemen.

You will with this receive his Lordship's Dissent to our Act of Assembly relating to Convicts; (which I caus'd to be publish'd on the 14th of December last) His L^{pp} would not have dissented to it, but for the Reasons therein mentioned, and indeed I cannot see, how his L^{pp} could do otherwise, for by a Statute of the fourth of our most Gracious Sovereign King George relating to Convicts, which Statute by Express words,

reaches all the plantations, the Contractors with the Crown L. H. J. are Empowered to transport them and sell them for the Term of years they are Judged for; then they become the property of the purchasers but if according to our late Act the purchasers (upon refusing to give the Surety therein mentioned) were to have their Servants put in prison, their property would thereby Certainly be invaded, which is an Evill, to be avoided; I could heartily wish they were sent to any other of his Majesty's plantations, but while we purchase they will send them, and we bring the Evill upon ourselves.

October 15th 1725.

Cha: Calvert

Charles absolute Lord and Prop^r of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c To our Right Trusty and Well beloved Charles Calvert Esq^r our Lievtenant Governour of our said Province of Maryland, and to our right Trusty & Well-beloved the Upper and Lower Houses of our Generall Assembly there; and to all others of our said province of Maryland for the Time being Greeting.

Seale C. Baltemore

Whereas at a Sessions of Assembly begun and held in our province of Maryland the 23rd Day of September and ending the 26th day of October in the Eighth year of our Dominion over the said province Annoq Domini 1723, An Act passed Entituled an Act to prevent [the] Great Evills arising by the Importation of Convicts into this Province and for the better discovery of such when Imported

And whereas it hath been represented to us that the said Act may and will in a Great measure disable the Contractor wth the Government of England for Transporting of Felons to his Majesty's plantations from performing his said Contract, and that the said Act does in a great measure destroy the intents of the Acts of Parliam^t made for that purpose in England: and their Excellencies the Lords Justices in Council having last August disallowed An Act of the Like nature in his Majesty's Collony of Virginia, We on consideration of the aforesaid Act made in Maryland have thought fit to Dissent to the same and do hereby declare the said Act to be null and void and of no Effect

Given under our hand and Seale at Arms at London the eighth day of June in the ninth year of our Dominion over the said province of Maryland Annoq Domini 1724

C: B:

Which were read and referr'd for further Consideration

L. H. J. Cap^t Harrison from the Committee appointed to view the work done to the Stadt House returns the following Report Viz.

p. 216 By the Committee appointed to View the work of the Stadt House Octob^r 15th 1725.

We of the Committee having view'd the Work of the Stadt House Report that the plaistering in the passage of the Upper floor is not done workmanlike, that some part of the plaistering in the Assembly office is very Slight, and that the plaistering by the Turrett Door is not Completed.

Also Report that the plaistering of the passage and all the offices of the first floor (Except the Comissarys) are very rough and indifferently done that the plaistering at the head of the Stairs is very indifferently done That the Floors of the Court House and ffront Porch are not laid, That the Holes in the walls where the Scaffolding was pfix't are not Stopt that the plaistering to the whole wants to [be] better white wash'd and the Stadt House still wants to be rough Cast

Sign'd p order John Gibson Cl Come.

A Bill to confirm the Lotts in the new Town pasture or Common in Annapolis to the Severall purchasers was read the first time and ordered to lie on the Table.

The House adjourns till to morrow Morning nine of the Clock.

Saturday Oct^r 16th 1725

The House meets according to Adjournment

Yesterday's proceedings are read

On further Considering the aggrievances from Somerset County relating to M^r Plater, Ordered that the said Plater attend this House who appears accordingly.

Whereupon he is Acquainted by M^r Speaker that this House does not think fit to proceed any further into the Examina-
cōn of his misdemeanours in the Comissary's office this Sessions, But that he before the next Sessions of Assembly refund to the severall persons what Money or Tobacco he has Extorted from them, for unjust fees, and at the next Session give this House a full and Satisfactory Account of his having so done. Which the said Plater Promises to perform, and the further Consideration thereof is referred till next Assembly.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Petition of the Widd^o Maddox praying Leave to

bring in a Bill to Confirm the Will of Samuel Maddox the L. H. J. Elder Thus Endorst, viz.

By the Upper House of Assembly

Oct^r the 16th 1725

The within Petition being Read is Referred to the Consideration of the Lower House.

Sign'd p order Geo: Plater Cl Up. Ho.

The Bill for Repealing the Act for Confirming Coll^o John Contee's Will was Read the Second time and past and was so Endorst.

The Supplementary Bill to the Act Empowering Trustees to sell the Lands late of William Harris of Calvert County read the second time and past which was so Endorst.

The Bill for Relief of James Moore was Read a Second time and pass'd which was so Endorst.

Which Severall Bills were Sent to the Upper House by M^r Smith and M^r Hooper. They return & say they delivered them p. 217

The Bill relating to Small Stone Horses was read the Second time and the Question being put whether the Bill shall pass or not, It pass'd in the affirmative Which was so Endorst and Sent to the Upper House by Cap^t Dasheill and Cap^t Gale.

They return and say they delivered [it].

Resolved that the Severall Treasurers have Liberty to dispose of what Bills of Exchange they now have in their hands belonging to the publick for Curr^t money at the best advantage not being less that twenty eight p Cent Exchange Provided the publick be not burthen'd by the Treasurers Endorsement on the protest of any such Bills in Case any such should happen And thereon the following message is prepared viz.

By the Lower House of Assembly

October the 16th 1725

May it please Your Hono^r

This House is willing that the Severall Treasurers of this Province should dispose of what Bills of Exchange they now have in their hands belonging to the publick for Current money at the best advantage not being less than twenty eight p Cent Exchange Provided that the Treasurers do not Endorse the same so as any wise to burthen the publick with the protest thereof in Case any shall happen.

Sign'd p order M Jenifer Cl. Lo: Ho.

L. H. J. Which was sent to the Upper House by M^r Beale and M^r Worthington. They return and Say they delivered it.

A Bill to confirm an estate in ffee Simple to such persons as already have or hereafter shall purchase any Lotts of Land in the New Town or Town pasture or Co^mon in Annapolis &c^a Was read again and past. And the Bill in favour of the people called Quakers was read again and past. Which Bills were Severally Endorst and Sent to the Upper House by M^r Denton and Coll^o Belt.

They return and say they delivered them

Phillip Lee Esq^r from the Upper House delivers M^r Speaker the Bill for Relief of James Moore, And the Bill for repealing the Act for confirming Coll^o John Contee's Will Severally thus Endorst viz

By the Upper House of Assembly Oct^r the 16th 1725
Read and will pass.

Sign'd p order Geo: Plater Cl Up. Ho.

Thereupon the same past for Engrosing
And the Petition of Bigger Head thus Endorst viz.

By the Upper House of Assembly Oct the 16th 1725
The within Petition being read is referr'd to the Consideration of the Lower House.

Sign'd p order Geo. Plater Cl Up Ho:

Which was read and rejected nemine Contradicente

Ordered that any two Justices of the peace for Som^rset Co^v have Liberty to take the Deposition of such Evidences as shall be to them produced relating to the petition of W^m Bozman preferr'd to this Assembly giving due notice to the parties and that such Depositions be rec^d as Evidence

The ffollowing Message is prepared Viz.

p. 218

By the Lower House of Assembly

Octob^r 16th 1725

May it please yo^r Honours

This House not observing that there hath been any notice taken of the Joint address of his Honour the Governor and both Houses of Assembly made in October Assembly 1723 to his most Sacred Majesty Congratulating his ma^v on his happy and timely discovery of the late Horrible plott, and not having heard what became of it, We desire your Honours

to Enquire into that matter that if it has not been presented, L. H. J. proper measures be taken for the presenting a Duplicate with the Expression of our Concern that the Orriginall miscarried, But if it has been presented that Your Honours will favour us with the notice that has been taken of it

Sign'd p ord^r M: Jenifer Cl. Lo. Ho.

Which was Sent to the Upper House by M^r Mackall and Capt. King. They return and Say they delivered it.

The Petition of Levin Denwood of Somerset County Gent. praying Leave to bring in a Bill for his Relief as a Creditor ag^t Samuell Groom &c was read and referr'd till next Sessions and Ordered that all parties concern'd have notice &c^a

John Hall Esq^r from the Upper House delivers M^r Speaker the ffollowing message viz.

By the Upper House of Assembly Oct^r 16th 1725
Gent.

This House Concurrs with you in Your Message of this day by John Beale Esq^r and M^r Thomas Worthington relating to the Treasurers of this province.

Sign'd p ord^r Geo: Plater Cl Up: Ho:

The House adjourns till Monday morning nine of the Clock.

Monday Oct^r the 18th 1725

The House meets according to adjournment.

Saturdays proceedings are read

The proceedings of the Corporation of Annapolis relating to convicts and persons of evill fame being laid before the House; They unanimously approve of the Conduct of the City Magistrates therein, as acting with that Resolution in the discharge of their Duty that well became them and Recommend to them and all other Magistrates the like Resolution and Conduct in the future Execution of their respective offices.

Whereupon the Recorder of the said City being present (on behalf of the Corporation) returns thanks to the House for the Honour of their approbation.

Coll^o Ephraim Augustin Herman a Member Return'd to Serve for Cecill County appears in the House. Order'd that Maj^r Malden and M^r Johnson go to the Upper House to see him Qualified.

L. H. J. They return and Say they see him Qualified. Thereupon he took his place.

Resolved that the Complaint relating to one of the Com^{rs} Generall not having given Security according to the Directions of the Act of Assembly for Repairing the Records &c^a and the Intimation in the Message to the Upper House Last Sessions Relating to the same be made a part of the Adresse to his Honour the Governour.

p. 219 The Secretarys and two of the Commissarys Generall their Bonds for keeping the Records in repair, were brought into the House Which after Examinacōn were delivered to the Clerke of the Secretary's office to be Recorded.

John Hall Esq^r from the Upper House delivers M^r Speaker the following message viz:

By the Upper House of Assembly

Oct^r the 18th 1725

Gentlemen.

In Answer to your message of the 16th Instant by M^r Mackall and M^r King relating to the Joint Address of his Honour the Governour and both Houses of Assembly to his most Sacred Ma^{ty} upon Inquiry his Honour acquaints this House that he delivered the same himself to Cap^t John Jones directed to his L^{pp} at London Town in the presence of Philemon Lloyd, Benjamin Tasker and John Beale Esq^r but hath not heard any thing since relating to the same

Sign'd p order. Geo Plater Cl Up. Ho.

John Smith Gent. Sher of Cecill County according to the order of the House this Sessions in the Custody of the Sergeant of this House appears at the Barr thereof.

And on his being Charged with the Severall ffacts in that order mencōned alledges nothing materiall in Excuse. The House unanimously Resolve that the same is a Violent Breach of the priviledges of this House, and that the arrest so made is Contrary to the Law of parliaments, And it is Ordered that the said Smith pay the whole Charge in Sending for him and pay to the Clerke Twenty Shill^l To the Sergeant ten Shill^l and to the Door keeper five Shill^l Current money and that he pay to Coll^o Herman One thousand pounds of Tobacco for his Loss of time, and remain in the Custody of the Sergeant untill he produces Certificates of his having Comply'd herewith.

Afterwards the said Smith on his Humble Petition Setting forth that he has Comply'd with the above order and praying that he may be discharg'd from the Custody of the Sergeant he [is] discharged accordingly.

Philemon Lloyd Esq^r from the Upper House delivers M^r L. H. J. Speaker the following Bills viz.

The Bill in favour of the People called Quakers thus Endorst

By the Upper House of Assembly Oct^r 18th 1725 .
Read and will pass.

Sign'd p order Geo: Plater Cl: Up: Ho.

Thereupon the same past for Engrossing

The Bill to Confirm an Estate in fee Simple to such persons as have or shall purchase any land lying in the new Town &c: Thus Endorst viz:

By the Upper House of Assembly

Oct^r 18th 1725

Read and Will pass with a Clause Saving to the Right Hon^{ble} the Lord Prop^{ty} his Heirs and Successors and all other persons their Rights to any of the Lands within Mentioned.

Sign'd p order Geo Plater Cl. Up. Ho.

Which was amended accordingly read with the amend- p. 220 ments and past for Engrosing.

And the Bill against Small Stone Horses thus Endorst viz:

By the Upper House of Assembly

October 18th 1725.

The whole Act prohibiting the Importation of Bread Beer &c from Pensilvania being found to be of no use or Service to the Country, This Bill will pass repealing the whole Act

Sign'd p order Geo: Plater Cl Up. Ho.

On reading whereof the Question was put whether the Whole Act shall be repealed or not? and it was carried in the Negative.

Coll^o Ward from the Upper House delivers M^r Speaker the Petition of Daniel Dulany and Joshua George Gent. praying to be heard in relation to the Petition of Francis Holland Gent. preferr'd this Sessions thus Severally Endorst viz.

By the Upper House of Assembly.

Octo^r the 18th 1725

Read and referr'd to the consideration of the Lower House.

Sign'd p order Geo: Plater Cl. Up: Ho.

L. H. J. Which being read are referr'd to the Committee of Ag-grievances to be considered wth the Pet^o of the s^d Holland now before that Committee.

James Bowles Esq^r from the Upper House delivers M^r Speaker The Supplementary Bill to the Act Empowering Trustees to Sell the Lands late of William Harris of Calvert County thus Endorst viz.

By the Upper House of Assembly.

Oct^r the 18th 1725

Read and will pass.

Sign'd p ord^r Geo: Plater Cl. Up. Ho.

Thereupon the same past for Engrosing

Jn^o Rousby Esq^r from the Upper House delivers M^r Speaker The Petitions of W^m Burton and Thomas Broxon Languishing prisoners thus Endorst, Viz.

By the Upper House of Assembly

Oct^r the 18th 1725

Read and referr'd to the consideration of the Lower House.

Sign'd p order Geo: Plater Cl: Up. Ho.

The House being inform'd by a member thereof that one of the Justices of Ann Arundell County told him that there were but two of them now in town and desired that by a new order the rest may be sent for to appear to morrow and their appearing deferr'd till to morrow Ordered Accordingly.

On a motion that a conference be prayed for the Regulating Officers fees, The following message is prepared viz.

By the Lower House of Assembly

Octo^r the 18th 1725

May it Please yo^r Honours.

There being Great Complaints in all Parts of the Province about the Exorbitancy of the officers fees and the Act for Limitation of them Expiring in Decem^r next, we desire that some of the members of your House may be Join'd with some of the members of this House in a conference for the regu-
p. 221 lating of them

Sign'd p ord^r M. Jenifer Cl. Lo: Ho.

Which was Sent to the upper House by M^r Hawkins and Cap^t Jordan. They return and say they delivered it.

The House adjourns till to morrow morning nine of the L. H. J. Clock.

Tuesday Oct^r the 19th 1725

The House meets according to adjournment. Yesterdays proceedings are read.

On motion being made the Question was put whether the last Clause in the Act to prevent the Evills occasion'd by the multiplicity of Horses &c shall be altered or not? And it passed in the Affirmative

Coll^o Ward from the Upper House delivers M^r Speaker the following message viz.

By the Upper House of Assembly

Octob^r 19th 1725.

Gentlemen.

In Answer to your Message yesterday by M^r Hawkins and M^r Jordan this House does appoint Coll^o Mathew Tilghman Ward John Rousby and Phillip Lee Esq^r to Join such members of your House as you shall think proper in a conference on the Subject matter in the said Message Contain'd

Sign'd p order Geo. Plater Cl: Up. Ho:

Thereupon Coll^o John Mackall, Coll^o Greenfeild, Maj^r Harris, M^r Beale, Cap^t King and Cap^t Gale are appointed to Join the members appointed by the upper House in the conference propos'd, and the following message prepar'd Viz.

By the Lower House of Assembly

October the 19th 1725

May it please yo^r Honours.

In answer to your Message this Day by Coll^o Ward this House does appoint Coll. John Mackall Coll^o Tho^s Truman Greenfeild, James Harris Esq^r John Beale Esq^r Cap^t Robert King and Cap^t Gale members of this House to Join the members Appointed by your House in the Conference proposed for Regulating officers fees who are ready to attend at such time and place as your Honours shall think proper

Sign'd p order. M Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by Coll^o Greenfeild and James Harris Esq^r They return and Say they delivered it.

L. H. J. The following Petition containing Sundry matters which the House has thought fit should be entered is as follows Viz.

To the Hono^{ble} the House of Delegates

The Petition of Daniel Mariarte Josias Towgood, Sam^l Chambers William Chapman, John Welsh, James Govane Mordecai Hañiond John Davidge Zach^a Maccubbin and Moses Maccubbin Justices of Ann Arrundell County Court Humbly Sheweth.

p. 222 That Your Petitioners have been Summoned by the Sheriff of the County aforesaid to appear before the Committee of Aggrievances to answer unto such things as should be alledged against us and in obedience thereto Came to Town Yesterday and were told by the Sheriff that we were ordered to attend this Day We understand and have been Inform'd that Tho^s Bordley Esq^r one of the Attorneys of Ann Arundell County Court the Chairman of that Comittee is our Accuser (tho we are Conscious to ourselves that he cannot accuse us of injustice or partiality) a person from whom we cannot expect any good treatment who has often behaved himself most indiscreetly & Indecently before us, when sitting Judicially in Court, particularly last Court he took the Liberty to Express himself in the following words to M^r Mariartee Cheif Justice, You Do not know your Duty nor Do you understand it if he should tell it him, and with an angry unbecoming Countenance told the whole Court that there was no body there that understood Law or Justice, That he severall times told M^r Mariartee in an Impudent Snarling manner that whenever he sett on a thing he never Could persuade him to be Convinced in his Life time, Speaking as if M^r Mariartee were an obstinate person and out of ill will to him would not do him nor his Client Justice He also told the Court that he Suppos'd they would never believe any thing that he said, Speaking as if he expected no Justice from that Court, and when he found the Court not inclinable to Comply with what he required concerning the Convicts he told them he Suppos'd they were afraid of Forward or that they were indebted to him.

Your Petitioners from what is premised Conceive it Ex-tream hard to be called to an account of their Administra-cōn by an Attorney practising before them of whose Mis-behaviour your Petitioners have had many Instances, some whereof we have now Shewn.

Your Petitioners therefore humbly pray that in Case the said Thomas Bordley or any other person has any Accusation

to make against your Petitioners the same may be given in, in L. H. J
Writing, That your Petitioners may have a Copy of the
Same, and time allow'd them to give an Answer, and that
Your Petitioners may have a hearing before your Honours
or some other Indifferent Persons.

And yo^r Petitioners shall ever pray &c.

M^o M^r Chapman and Zachariah Maccubbin join in the
prayer of the Petition, But were not present in Court at the
Speaking the Words in the Petition

Which being Read and heard with the several Evidences
produced by the petitioners and the Evidence and Matters
in the said petition Contain'd Maturely Considered by this
House, They are unanimously of opinion that the Petitioners
had not the Least reason to Exhibit such a Charge to this
House against the said Thomas Bordley Esq^r as is Con-
tain'd in the petition unless his Zealously asserting in Con- p. 223
junction with the Attorney Generall before them in their
County Court, That Justices of the peace have a power to
bind over to the Good behaviour all persons of ill fame (and
that persons convict of ffelony were such) would maintain
Such a Charge which this House is so far from thinking, that
they Approve of his the said Bordley's behaviour in that
affair and recomend to him the like Conduct for the future
And are further of opinion that the Petitioners have given
Cause to this House to resent their treating a member thereof
with such indecent freedom as they have the said Bordley
by their Petition.

Of which the said Justices are acquainted by M^r Speaker
The House Adjourns till to Morrow Morning nine of the
Clock

Calvert
Papers¹
(777)
p. 41

Wednesday Octo^r the 20th 1725

The House Meets according to Adjournment. Yesterday's
proceedings are Read.

Coll^o Ward from the Upper House delivers M^r Speaker
the following Message viz.

By the Upper House of Assembly

Octo^r the 20th 1725

Gentlemen.

The members appointed by this House are Ready to join
the Members appointed by Your House in Your Message

¹Original State record from this point is defective from mildew and decay.

L. H. J. Yesterday by Coll^o Tho: Truman Greenfield and M^r Harriss in the Conference for Regulating the Officers fees at the House of Peter Overard Imediately.

Sign'd p Order Geo: Plater Cl. Up. Ho.

An Engrost Bill to prevent Severall Irregularities Complain'd of by the people Called Quakers was Read and Assented to and was so Endorst and Sent to the Upper House by M^r Mackall and Coll^o Belt. They Return and Say they deliver'd it.

The Journall of the Commissioners Appointed to Inspect the publick Records &c^a was Read and this House approves thereof Except what Relates to the Nine pence p side, for Composing the Alphabets, for which Services this House are of Opinion that Six pence p side is Sufficient and ordered that the Committee of Accounts allow no more than Six pence p side.

On Reading the Report of the Committee appointed to View the Work done to the Stadt House, this House is Willing that one hundred and forty pounds part of the Two Hundred pounds agreed for Last Sessions be paid to the said Cap^t Hooper for the Work already done, and the Remaining Sixty pounds be paid upon finishing the Work according to the Report and agreement Last Sessions, Except the Rough Casting, and ordered that John Beale and Vachel Denton Esq^r of this House in Conjunction with some Members of the Upper House to be by them appointed view the said Work when finished, and if they see fitt to give the said Hooper Orders on the Treasurers for the Remaining Sixty pounds Current Money

The House adjourns till to Morrow Morning nine of the Clock

Thursday Oct^r the 21st 1725

The House meets according to Adjournment.

Yesterdays proceedings are Read.

p. 42 An Engrost Bill to Confirm an Estate in fee Simple to such persons as have purchased Lands in the New town &c. was Read and Assented to and was so Endorst and

An Engrost Bill Supplementary to the Act Empowering Trustees to Sell the Lands late of W^m Harriss of Calvert County Dec^d &c^a was Read and Assented to and was so Endorst.

Which Bills were Sent to the Upper House by Coll^o Ward L. H. J. and M^r Pemberton. They Return and Say they deliverèd it.

Benjamin Tasker Esq^r from the Upper house delivers M^r Speaker The Petition of Sundry Inhabitants in Stepney Parish in Somersett County Relating to the Parish Church &c^a thus Endorst Viz.

By the Upper House of Assembly

Octob^r the 21st 1725

The within petition being read is referr'd to the Consideration of the Lower House

Signed p order Geo: Plater Cl. Up: Ho:

Which was Read and Referr'd till next Sessions.

And Delivers the Paper Bill to prevent Severall Irregularities Complained of by the People Called Quakers.

John Hall Esq^r from the Upper House delivers M^r Speaker the Paper Bill to Confirm an Estate in fee Simple to purchasers of Lands within the New town &c: and the paper Bill Supplementary to the Act Empowering trustees to sell the Lands late of W^m Harris &c

A Bill in favour of the Inhabitants of Choptank Parish in Dorchester County was Read the first and Second times by Especiall order and was past, which was so Endorst, and sent to the Upper house by Captain Hooper and M^r Pritchett. They Return and say they deliver'd it.

Philemon Lloyd Esq^r from the Upper House delivers M^r Speaker the Bill Last mentioned thus Endorst viz.

By the Upper House of Assembly

Octo^r the 21st 1725

Read and will Pass.

Sign'd p order. Geo: Plater Cl. Up: Ho.

Thereupon the same pass'd for Engrossing.

And Delivers the petition of John Clements a poor prisoner in Talbot County Goal thus Endorst Viz:

By the Upper House of Assembly

Octo^r the 21st 1725

The unhappy Circumstances of the Petitioner who is now under Execution and Closely Confined in Talbot County Goal

L. H. J. (as we are Informed) upon a Nonsuit obtained against him in Dorchester County before the making the Acts within Mentioned is Recommended to your House for Relief

Signed p order Geo: Plater Cl. Up: Ho.

p. 43 Which being Read is Referred till Next Sessions, and ordered that all persons Concerned have Notice.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Petition of John Gresham Exc^r of John Gresham, and the Petition of the said Gresham, praying an allowance for fees, from Sundry Debtors discharg'd by Act of Assembly last Sessions &c^a Severally thus Endorst viz.

By the Upper House of Assembly

Octo^r the 21st 1725

The within Petition being Read is Recommended to the Consideration of the Lower House

Signed p order Geo: Plater Cl. Up. Ho:

The following Report brought in from the Committee of Courts of Justice was Read and ordered to be Entered as follows viz:

By the Committee for Courts of Justice

Octo^r the 21st 1725

The magistrates of Ann Arrundell County appearing before Your Committee to answer Concerning the matter directed by Your Honours to be enquired into are acquainted by Your Committee, that from some proceedings of theirs before the House they seem to be much mistaken the End of their being Sent for, which, that they may the Better understand, Your Committee Read them the order of Notice that was sent them on that Occasion as follows Viz.

Ordered by this Committee that the Sheriff of Ann Arrundell County give the Severall Magistrates of the said County Notice according to the Order of the House to them Directed to appear before this Committee on Monday the Eighteenth of this Instant by Ten of the Clock to answer unto Sundry Matters, then and there to be proposed to them, by the said Committee on behalf of the Province. Your Committee thereupon Observed to the Gentlemen that it appeared by the order of Notice, that they were only Sent for to answer concerning some Matters that should be proposed on Behalf of the Province, That therefore since the Questions to be askt were on the Behalf of the Province, Your Committee thought

they could by no means take it ill that they were Expected to L. H. J
answer them, nor properly Call it an Accusation. Your
Comittee therefore proceeded to ask whether they or any of
them had taken the Oath of Justice agreed upon by both
Houses of Assembly as necessary to the Due administration
of Justice but particularly whether they had taken any oath
of Justice that had the Clause in it mentioned in the Resolves
of this House, which Clause your Comittee Read to them
Whereupon the Chief Justice askt your Comittee if that was
all Your Comittee Reply'd that they were Instructed to ask
them that, and desired their answer to it. Thereupon The
Chief Justice desired that such Questions as were to be askt
them might be given them in writing whereupon your
Comittee desired them to withdraw, and on Considering of
the Motion were unanimously of the Opinion that Your p. 44
Comittee ought to proceed according to the Method they had
begun in as most agreeable to their sence of the Houses In-
structions, and on the Magistrates again appearing, the
opinion of the Comittee was again declared to them, Where-
upon the Chief Justice Insisted on his having them in Writing,
and said he thought it an hardship to be denied it, which he
desired Your Comittee to Lay before Your Honours, in which
M^r James Govane alone joyned with him, alledging that he
could not give so direct an Answer without it. Your Comittee
thereupon acquainted them they should lay it before the
House, And the Gentlemen then Answered the Question that
they never had such oath of Justice offered them as the
Question Mentions.

Your Comittee then acquainted them that the next Ques-
tion they should ask would be what they had already given
Some Answer to, when they desired to be heard at the Barr
of the House viz: What was their Reasons for disallowing
a Statute of England to be Read in the Afternoon when they
had desired in the forenoon to hear it Read on the Arguments
Concerning the Convicts at their Last County Court, on
which they answered, that after their Court in August Last
Adjourn'd till the afternoon of that day, when the Arguments
were used before Concerning the Convicts, His Honour the
Governour met them at M^r Bowes's and told them of the
Statute made in the fourth Year of his Majesty Concerning
the Transportation of Convicts and told them to take Care
that they were not lead into a Snare as the Corporation was.

Also your Comittee enquired if they knew the Causes of
the great Alterations made in their County Comission to
which they Answered they were unacquainted therewith.

Signed p order Sam^l Hepburn Cl Come.

L. H. J. Of all which Proceedings of the Comittee this House unanimously Approves.

The House adjourns till to Morrow Morning Nine of the Clock.

Friday Octob^r the 22^d 1725

The House meets according to Adjournment

Yesterdays proceedings are Read.

p. 45 A Bill to Encourage the Takers up of Runaway Negroes &c: was Read the first time and ordered a Second Reading to Morrow.

The following Message prepared viz:

By the Lower House of Assembly

Octo^r the 22^d 1725

May it please Your Honours.

This House taking Notice that it does not any ways appear to them, whether Your Honours have Assented to the Engrost Bill to prevent Severall Irregularities Complained of by the People Called Quakers, nor to the Engrost Bill to Confirm an Estate in fee Simple to such persons as already have, or hereafter shall purchase any the Lands Lying in the New Town &c^a and to the Supplementary Engrost Bill, to the Act Empowering Trustees to sell the Lands Late of W^m Harriss of Calvert County deceased &c^a or not we therefore desire Your Honours would be pleas'd to send us down the Engrost Bills that Your Honours Assent may appear to this House, in the same Manner our assent appears to Your Honours according to the Ancient practice of the Legislature of this province, which has never been Interrupted till very Lately, and which, as the most Parliamentary Course by which the priviledge of this House is best secured we pray may be Restored.

Signed p order Mich: Jenifer Cl Lo: Ho:

Which was sent to the Upper house by Cap^t Rider and M^r Goldsborough. They Return and say they delivered it.

An Engrost Bill to invest the Vestry of great Choptank Parish in Dorchester County with an Estate in fee Simple, to the Lands therein mentioned, was Read and assented to, and was so Endorst and Sent to the Upper House by Cap^t Rider, and Cap^t Hooper.

They Return and say they delivered it.

Coll^o Holland from the Upper House delivers M^r Speaker a Letter from Coll^o Bradford to his Honour the Governour

Relating to the Runaway Negroes, with the following Mes- L. H. J.
sage viz:

By the Upper House of Assembly

Octo^r the 22^d 1725

Gentlemen.

His Excellency the Governour Having been pleas'd to Communicate to this House a Letter by him Received from Coll^o John Bradford and herewith Sent in Relation to the Runaway Negroes we do Recommend the Same as worthy the Consideration of Your House.

Sign'd p Order Geo: Plater Cl Up: Ho:

A Bill for dividing Great Choptank Parish in Dorchester p. 46
County was Read the first time, and ordered to lie on the Table.

John Hall Esq^r from the Upper House delivers M^r Speaker the following Message viz:

By the Upper House of Assembly

Octo^r the 22^d 1725

Gentlemen

In Answer to Your Message by M^r Rider and M^r Goldsbrough we do acquaint you that the three Engrost Bills in that Message Mentioned are Assented to by this House, which we hope will be Sufficient for your Satisfaction, and for the future shall Endorse the Originall Bill sent down That we Cannot Conceive the Detaining of the Ingross'd Bills can be any Injurie to the Priviledge of Your House, for we think it proper they should Remain in this House, for his Honour the Governours perusall and Affixing the Seales thereto as Chancellor, by which means they will be Ready for the Assent at the Conclusion of the Sessions, and the publick Business Expedited

Signed p Order Geo. Plater Cl Up: Ho.

Coll^o Ward from the Upper House delivers M^r Speaker the originall paper Bill in favour of the Inhabitants of great Choptank Parish thus Endorst viz.

By the Upper House of Assembly

Octo^r the 22^d 1725

The Engrost Bill whereof this is the originall is Read and Assented to by this House.

Signed p order Geo: Plater Cl Up: Ho:

L. H. J. The House adjourns till to Morrow Morning Nine of the Clock.

Saturday Octo^r the 23rd 1725

The House meets according to Adjournment
Yesterdays Proceedings are Read.

The Bill Relating to Runaway Negroes &c^a read again and the Question put whether the Reward shall be five pounds Generally for all taken up above Monocosey [or] stand as it is now in the Bill. Carried by Majority of Votes, that it be five pounds Generally. Thereupon the Bill is Committed for Amendments.

The following Message is prepared Viz:

By the Lower House of Assembly

Oct^r the 23rd 1725

p. 47 May it please Your Honours.

We observe by Your Message of the 22^d Instant Your Honours have fallen upon a Method of Signifying your Assent to Engrost Bills, which seems to us to be Intirely new. The Method we proposed to Your Honours was according to the Practice Constantly used till April Assembly 1715, at which time we find the practise was first altered, but for what Causes does not appear. We Concieve it to be a thing past by as of Little Consequence, But for that we Cannot be sure of avoiding Inconveniences by such an Innovation in our Parliamentary Practice Us'd both in the time of his Lordships Ancestors, and all the time of the Crown's Government, We Intreat Your Honours not to Enter into Debates with us Concerning it. As to his Honour the Governours perusall of such Bills, we Cannot but presume him sufficiently apprized of them by their being debated in Your House where he pre-sides, we therefore pray Your Honours not to oppose the Renovation of so Long Establishd a Parliamentary Practice Amongst us.

Signed p Order. Mich Jenifer Cl. Lo: Ho.

Which was Sent to the Upper House by M^r Smith and Coll^o Herman

They return and Say they delivered it.

A Bill brought in by Cap^t Gale declaring female Mulattoes born of White Women and free Negro Women to be Taxables was Read the first time, And the Question being put whether they shall be Taxables or not? It passed in the

Affirmative. Thereupon the Bill by Especiall order was Read L. H. J. the second time and passed which was so Endorst and sent to the Upper House by Cap^t King, and Cap^t Harrison

They Return and say they delivered it.

On Reading the Report of the Comm^{rs} appointed to View the Work already done to the Stadt House the following Message is prepared viz:

By the Lower House of Assembly

Octo^r the 23rd 1725

May it Please Your Honours.

On Reading the Report of the Commissioners appointed to view the work already done to the Stadt House, by M^r Henry Hooper, This House is Willing that the said Hooper be now paid one hundred and forty pounds part of the Two Hundred pounds Currency agreed for, and that on his the said Hoopers Compleating the Work according to the Report of that Comittee and the agreement Last Sessions (Except the Rough Casting) the Remaining Sixty pounds be paid him and propose that John Beale and Vachel Denton Esq^r Members of our House in Conjunction with some Members of Your House to be by Your Honours appointed, view the said Work when finished, and that they, then, if they think fitt may order the said Sixty Pounds to be paid by the Treasurers, with which we desire Your Honours Concurrence.

p. 48

Signed p order Mich: Jenifer Cl Lo: Ho.

Which was sent to the Upper House by Capt^t Hooper and M^r Waughop.

They Return and say they delivered it.

A Bill for Uniting part of Baltemore to Ann Arundell County was Read the first time and ordered a Second Reading on Monday Next.

John Hall Esq^r from the Upper House delivers M^r Speaker the Bill Declaring female Mulattoes born of White Women and free Negro Women to be Taxables thus Endorst Viz.

By the Upper House of Assembly

Octo^r the 23rd 1725

Read and will Pass.

Sign'd p Order Geo. Plater Cl. Up. Ho:

Thereupon the same pass'd for Engrossing

L. H. J. And Delivers the following Message viz:

By the Upper House of Assembly

Octo^r the 23^d 1725

Gentlemen.

We Concurr with you in your Message by Cap^t Hooper and M^r Waughop, and this House does appoint Benjaⁿ Tasker Esq^r to join John Beale and Vachel Denton Esq^r to View the work of the Stadt House, when finished, and to make such order as therein mentioned if they shall so think fitt.

Sign'd p order Geo. Plater Cl. Up: Ho:

The House adjourns till Monday Morning nine of the Clock

Monday Octo^r the 25th 1725

The House meets according to Adjournment

Saturday's Proceedings are Read

The Bill for uniting part of Baltimore to Ann Arrundell County was Read the second time, and the Question put whether the Bill shall pass or not, It pass'd in the Negative. Thereupon the same is Referred till next Sessions.

The Bill for Dividing Great Choptank Parish in Dorchester County was Read the second time and past which was so Endorst and Sent to the Upper House by Cap^t Hooper and M^r Pritchett.

They Return and say they delivered it.

The Report of the Conferees for Regulating Officers fees was Read and ordered to be Entered as follows Viz.

At a Conference appointed by the Hono^{ble} the Upper and Lower Houses of Assembly for Regulating Officers fees.

Present

The Honōble	{	Coll ^o Matthew Tilghman Ward	} of the	Upper House.
		John Rousby Esq ^r		
		Phillip Lee Esq ^r		

The Honōble	{	Coll ^o John Mackall	} of the	Lower House
		Coll ^o Tho. Truman Greenfield		
		James Harriss Esq ^r		
		John Beale Esq ^r		
		Cap ^t Robert King and Cap ^t Levin Gale		

Who make Choice of Coll^o Mathew Tilghman Ward L. H. J. Chairman and John Gibson Clerk, And proceed to Regulate the Comissarys' fees, Secretary's fees, Sherriffs fees, Cryer of the Provinciaall Court, Clerk of the Councill Clerk of the High Court of Appeales, Clerk of the County Court, Cryer of the County Court, and Examiner Generall fees, and leave the Chancellor's Surveyor's Collector, Navall Officer, Deputy Comissary, and the Coroners fees on the Last Regulation Concieving they will not admitt of any Deduction.

And we the Conferrees afores^d by Vertue of the power to us given have Seriously and Deliberately weighed and Considered the Severall Profits and Advantages arising from the fees of the Severall other Officers afores^d and made a Computation of the sum Totall of the Severall Lists of Fees and humbly Conceive [the severall Officers above mentioned will bear such regulations and deductions as are by us made which may appear by the Table of Fees to this Report affixt and we humbly conceive] it necessary to bring in a Bill to Inforce the Regulation now made, and we also Report to Your Honours that we have Inspected the Severall fees allowed by Law to practitioners of the Law, and tho we do not apprehend the said fees to be Exorbitant, Yet we Esteem it to be Absolutely Necessary to tie down the Practitioners aforesaid to the due observance of taking no other fees, To which purpose we have thought fitt to devise Certain Oaths to be taken by the severall practitioners, plaintiff and Defendant in Every Action, and with this Transmitted Copies thereof for your Honours perusall as Concieving this to be the Most Effectual Method to prevent the Hardships Complained of, and further we humbly make known to Your Honours that on Due Inspection and Consideration of the Office of Surveyor Generall, The whole Business being transacted by the Deputies thereof, we deem the said Office Useless, and think Necessary That an Address be presented to his Honour the Governour on that head, and further we humbly propose that Attorneys' fees be Ascertained by Law for their Services in pleading before the Judge for Land Affairs and the Upper and Lower Houses of Assembly, All which we humbly Submitt to your Honours Wisdom and Justice. p. 50

Signed p Order John Gibson Cl. Conferrees.

And further Report that we think it necessary that for any Estate not Exceeding fifty Pounds, the Comissarys Generall take but half fees to be ascertained by Law, and that the Dep^{ty} Com^{rs} of the Respective Counties have full power (when there is no Dispute) to Settle and pass all accounts whatso-

- l. H. J. ever Relating to Testamentary Affairs, And that no fee be taken for Estates under Ten Pounds as in the Prior Laws, and that the Dep^y Commissaries shall not Insist on Drawing the Account or Accounts of any person or persons on pretence of Want of form, but shall Recieve all or any Accounts, the Articles whereof are fully Explain'd.

Sign'd p Order John Gibson Cl Committee

Of which Report this house approves (Except what Relates to the Surveyor Generall) and thereupon the following Message is prepared viz:

By the Lower House of Assembly

Octo^r the 25th 1725

May it please Your Honours.

We have Read the Report of the Conferrees appointed for Regulating Officers fees and agree therewith Except that part Relating to the Surveyor Generall which this House does not approve of, And if your Honours Concurr with us for the bringing in a Bill, we shall take Care to Explain some Articles in the Sheriffs and Surveyors fees in that Bill and prepare a Supplementary Bill to the Act for Regulating the Practice of Attorneys

Sign'd p Order Mich. Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by Coll^o Mackall and Coll^o Greenfield. They Return and Say they delivered it.

An Ingrost Bill for the Relief of James Moore of Baltimore County and, An Engrost Bill for Repealing An Act for Confirming Coll^o Contees Will, were severally Read and assented to and were so Endorst and Sent to the Upper House by Cap^t Dent and M^r Hawkins.

They Return and say they delivered them.

- p. 51 A bill brought in by Cap^t Gale for Relieving the Inhabitants from some Aggrievances they lye under by the Scarcity of Tobacco in the Year 1724 was Read the first and second times by Especial Order and past which was so Endorst.

An Engrost Bill declaring all Female Mulattoes and free Negroe Women to be Taxables was Read and Assented to and was so Endorst

Which Bills were sent to the Upper House by Cap^t Hooper and M^r Courts.

They Return and Say they delivered them

Coll^o Tilghman from the Upper House delivers M^r Speaker L. H. J. the following Message viz:

By the Upper House of Assembly

Octob^r the 25th 1725

Gentlemen.

In answer to Your Message of the 23^d Instant by M^r Walter Smith, and M^r Ephraim Augustine Herman, we are of Opinion that the Method we have taken of Signifying our Assent to the Engrost bills is not so Intirely new as you seem to think for if you please to Consult the Journals of Both Houses of Assembly Since the Year 1715, You will find the same method has been us'd since that time only with this Difference that as the Assent us'd to be Signified by a Verbal Message we have now done it in Writing by an Endorsment upon the originall Bill which we were Induced to do by your desiring in Your first Message Relating to this Affair that our Assent to those Bills might appear to your House in the same manner that the Assent of Your House does to ours, and this we take to be most Effectually Comply'd with by that Method. We are very far from Desiring to Enter into Unnecessary debates with Your House, but Cannot conceive why you should Insist upon altering the present practice Relating to the Engrost Bills because for the Reasons we gave you in our former Message it appears to be most Conducive to the Dispatch of the publick Business, and we believe it to be most Agreeable to the Parliamentary Practice in Great Britain. We desire you would be pleas'd to Consider that you Mistake the Constitution of our Legislature when you tell us that his Honour the Governor presides in our House for he is not a Member of it, nor does he sett amongst us unless occasionally as he thinks fitt for perusing such Bills and petitions as are lodged in this House, and we having Communicated to him the Message of Your House Relating to this Affair, he has been pleas'd to tell us that Unless the Engrost Bills are lodg'd here or in some Convenient place, where he may have Recourse to them, he Cannot possibly be prepared to Assent to them at the Conclusion of the Sessions, but that then both Houses must wait till he Can peruse them. p. 52 Besides what has been already Offered, it appears to be most Argeeable to Reason, that as Your House have in Possession the Originall Bills with our Assent thereon so the Engrost Bills should Remain in our House, which will give Each house the Oppertunity of perusing and Considering them during the whole Sessions whereby some Mistakes that might

L. H. J Happen may be Discovered and be by the Consent of Both Houses amended.

As we find by the Journals of our House that the Practice in this Case has been Various and never Settled by any Standing Rule, and for that we Cannot apprehend any Inconveniency can arise from the present practise, it appearing to be most Reasonable and Convenient for Dispatching the Business of the Assembly, We are in Hopes your House will Concurr with ours in the Continuance of it.

Sign'd p order Geo: Plater Cl Up: Ho.

Coll^o Ward from the Upper House delivers M^r Speaker the Bill for Dividing great Choptank Parish thus Endorst viz.

By the Upper House of Assembly

Octo^r the 25th 1725

Read and will Pass inserting a Clause that the Incumbent had due Notice or Consented to it.

Sign'd p Order Geo: Plater Cl Up: Ho:

Which was amended accordingly and pass'd for Engrossing.

The Petition of Josias Sunderland against Samuel Gover was Read, and The Question was put whether the petition shall be rejected or not? and it was Carry'd in the Negative. Thereupon Leave is given to bring in a Bill as pray'd.

The Petition of John Gresham Ex^r of John Gresham was read and Rejected.

The Petition of John Gresham Sherr: of Ann Arrundell County was Read and ordered that a Generall Bill be brought in to Remedy the Matters Complain'd of in that petition.

John Rousby Esq^r from the Upper House delivers M^r Speaker the Bill Relating to Runaway Negroes thus Endorst viz.

By the Upper House of Assembly

Octo^r the 25th 1725

Read and will pass.

Sign'd p order Geo. Plater Cl Up. Ho.

Thereupon the same past for Engrossing

p. 53 On a Motion being made the Question was put, Whether any Alteration shall be made in the Allowances to the Members of the Upper and Lower Houses of Assembly, The Provinciall and County Justices or not? And it pass'd in the

Affirmative. Thereupon the Committee of Laws are ordered L. H. J. to bring in a Bill thereon accordingly.

The House adjourns till to Morrow Morning nine of the Clock

Tuesday Octo^r the 26th 1725

The House meets according to Adjournment. Yesterdays proceedings are Read.

On Reading the Reference from last Sessions Relating to the Election of Sheriffs, ordered that the Committee of Laws prepare an Adresse to his Honour the Governour thereon.

A Bill to Enable John Speake Jun^r to Confirm some In-tail'd Lands, and for Intailing other Lands in lieu thereof, was Read the first and second times by Especiall Order and past which was so Endorst and sent to the Upper House by Cap^t Hooper and M^r Waughop.

They Return and say they delivered it.

A Bill for Relief of poor Prisoners was read the first time and ordered to be laid on the Table.

The Reports of the Committee of Aggrievances about Rolling Houses &c^a was read And on the Question being put the same was Rejected.

The Petition of the Widd^o Maddox was Read and Referred till next Sessions and ordered that all persons Concern'd have Notice thereof

The Petition of Richard Deavour was read and rejected.

A Bill Directing the Disposall of Servants Committed for want of Security for their good behaviour was read the first time and ordered to be laid on the Table

The House adjourns till to Morrow Morning Nine of the Clock.

Wednesday Octo^r the 27th 1725

The House meets according to Adjournment. Yesterday's Proceedings are Read.

The Bill for Relief of poor Prisoners was read and past and the Bill Directing the Disposall of Servants Committed for want of Security for their good behaviour was read and Past.

Which Bills were Endorst accordingly and Sent to the Upper House by Cap^t Gale and M^r Johnson. They Return and say they delivered them.

L. H. J. The Report of the Committee of Aggrievances was read
p. 54 and Approved of and ordered to be entered as follows viz:

By the Comittee of Aggrievances

Octo^r the 19th 1725

Your Committee humbly Offer it as an Aggrievance That the Province should be put to so vast a Charge in the Repairs of the Records which 'tis thought will Exceed One Thousand Pounds whilst the particular Officers Enjoy the full benefit of those Offices great part of the perquisites whereof arise from those very Records that are now so much worn by Constant use, and particularly that the Secretary's Office from which arises the greatest part of the Charge has for some Years been of Above One Thousand pounds p Annum benefit to the Officer. It is therefore humbly Offered whether it be not just and Reasonable that such Offices as are of so Considerable Advantage to the possessors should not bear their own Charge, And the province be Reimburst by a Sequestration of such a proportion of the Annual Profit of Each Office to the use of the Publick as may in a Reasonable time amount to the whole Disbursements that thereby every Charge may have its proper discharge, which is humbly Submitted to the Consideration of the House

Sign'd p Order Sam^l Hepburne Cl Come.

And thereupon the following Message is prepared.

By the Lower House of Assembly

Octo^r the 27th 1725

May it please Your Honours.

On Reading the Report of the Committee herewith sent, this House Concurs therewith and desire that some Members of Your House by Your Honours to be Appointed may be joyn'd with John Beale Esq^r and Cap^t John Rider whom we have appointed of our House in a Committee to view the Severall Records that have been made in the time of the severall Officers that have and now do Enjoy the Profits thereof and Report in what Condition they now are.

Sign'd p Order Mich. Jenifer Cl. Lo. Ho.

Which was sent with the Report to the Upper House by Cap^t Hooper and Cap^t Gordon. They Return and say they delivered them

A Bill for Reviving the Act for Raising the three pence p Hogshead was read the first and Second times by Especial

order and past, which was so Endorst, and Sent to the Upper House by M^r Mackal and Cap^t Harrison. They Return and Say they delivered it. L. H. J.

John Rousby Esq^r from the Upper House delivers M^r Speaker the Bill for Relieving the Inhabitants &c: thus Endorst Viz. p. 55

By the Upper House of Assembly.

Octo^r the 27th 1725

Read and will Pass, with this provision that where any Sheriff or Sheriffs have actually paid Money to any Officer or Officers on account of fees put into their Hands to Collect and have not Rec^d the said fees that the officer or Officers reimburse the said Sheriff or Sheriffs the severall Sums of Money so paid

Sign'd p Order Geo: Plater Cl. Up: ho:

Whereupon the Bill was amended accordingly and past for Engrossing.

A Bill in favour of Orlando Griffith and Katherine his Wife was Read the first and second times by Especiall order and past, which was so Endorst, and Sent to the Upper House by M^r Beal and M^r Warfield. They Return and say they delivered it.

Coll^o Ward from the Upper House delivers M^r Speaker the following Message viz:

By the Upper House of Assembly

Octo^r the 27th 1725

Gentlemen.

We agree with Your Message of the 25th Instant by Coll^o Mackall and Coll^o Tho: Truman Greenfield, Relating to the Report of the Conferrees, only think it needfull that provision be made in the Bill to Restrain any person or persons as Chamber Councill or Councillors from taking or Exacting any fee or fees in money or otherwise other than such fee or fees as the wisdom of the Legislature shall think meet to allow them for if such Liberty be given to such Chamber Councillors we Concieve the good Intent of the Bill for Regulating Attorneys' fees will be found Ineffectuall and further we Concieve it necessary that Care be taken in the Bill that Attorneys Councillors &c^a May be prevented from taking Money from their Clients under pretence of Selling the Tob^o they are by Law Entitled to, and we likewise deem it Reasonable to allow Every Attorney Rideing the Circuit

L. H. J. besides the fee for attending the Provinciall Court some Reasonable Allowance.

Sign'd p order Geo. Plater Cl Up: Ho:

The following Message Prepared viz.

By the Lower House of Assembly [Octo^r the 27th 1725]
May it please Your Honours.

We Concur with Your Honours that the Continuance of the Practice [of] Signifying the Assent of Both Houses to Engross'd Bills has been as asserted and think our Selves Happy in Your Honours good Inclination to avoid Unnecessary
p. 56 Debates with us which we shall with Equal Endeavours Study to Avoid with your Honours on all Occasions that may happen in Contest betwixt us. But as on this Occasion we only Insist on the Renovation of an Ancient Practice, we pray Your Honours Concurrence with it and His Honour the Governour may Either peruse the Engrost Bill while in Your House or the Paper Bill whenever he shall please to send for it from ours.

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r Smith and M^r Waughop They Return and Say they delivered it.

Phillip Lee Esq^r from the Upper House delivers M^r Speaker the Bill in favour of John Speak Jun^r Thus Endorst viz.

By the Upper House of Assembly

Octo^r the 27th 1725

Read and will pass.

Sign'd p Order Geo: Plater Cl: Up: Ho:

Thereupon the same pass'd for Engrossing

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Bill in favour of Orlando Griffith and ux^r Thus Endorst viz:

By the Upper House of Assembly

Octo^r the 27th 1725

Read and will pass

Sign'd p order Geo: Plater Cl. Up. Ho:

Thereupon the same past for Engrossing.

John Hall Esq^r from the Upper House delivers M^r Speaker L. H. J. the following Message viz:

By the Upper House of Assembly

Octo^r the 27th 1725

Gentlemen

In answer to Your Message this Day by Cap^t Hooper and Cap^t Gordon we agree with you that the Charge of Repairing the Records is very great, and an Aggrievance to this Province, but know not how it Can be avoided. The Method you propose of Obligeing the Officers to Repair the Records we think to be unreasonable because by that Means we should punish one man for another's fault, a great part of the Impairs in the Records being Occasioned by other Officers than those who are now in possession of them Therefore we Can not think of any other way then Repairing them at the publick Charge and when they are so Repaired the severall Officers have already given Bond to keep them in Repair for the future which will Secure the Country from any such Charge hereafter

Sign'd p Order Geo: Plater Cl. Up: Ho:

John Rousby Esq^r from the Upper House delivers M^r p. 57 Speaker the Bill Directing the Disposall of Servants Committed for want of Security for their good behaviour thus Endorst viz:

By the Upper House of Assembly

Octo^r the 27th 1725

This Bill being read will not pass.

Sign'd p Order Geo. Plater Cl Up. ho.

Thereupon the following Message was prepared viz.

By the Lower House of Assembly

Octo^r the 27th 1725

May it please Your Honours.

There being now in the publick Goal two Servants Committed for want of Security, who have lain their a Considerable time at the Common Expence of Imprisonment, which will either be a Dead Charge to the Sheriff or the Publick and forasmuch as we have no houses of Correction, Work Houses or other publick Houses to Oblige them to Earn their fees in, we know of no other method than what is proposed by the

L. H. J. Bill herewith Sent to prevent such unavoidable Charge to the Sheriff or the Publick and Inconveniencies to the Prisoners themselves, wherefore we pray your Honours that the Bill may pass, or that you'll be pleas'd to Communicate your Objections to us why the same will not.

Sign'd p order Mich: Jenifer Cl: Lo: Ho:

Which was sent to the Upper House by M^r Crabb and Coll^o Belt.

They Return and Say they delivered it.

Phillip Lee Esq^r from the Upper House Delivers M^r Speaker the Bill for Raising three pence p hh^d thus Endorst viz.

By the Upper House of Assembly

Octo^r the 27th 1725

Having Considered that the Bill for Raising the three pence p hh^d and the Bill for Support of his Lordships Government Expire at the same time and that it is Probable an Assembly may be Called before the 29th of September next we Concieve it will not be improper to deferr the Revivall of this Bill untill the Assembly's next meeting.

Sign'd p Order Geo: Plater Cl. Up. Ho:

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the following message viz:

By the Upper House of Assembly

Octo^r the 27th 1725

Gentlemen.

We are Sorry that you Still Insist upon our Sending Down the Engrost Bills to Your House, without giving us any other Reason, than that many Years agoe, there was such a practice, notwithstanding by our former Messages and your own acknowledgment it appears, that practice has been altered Ever since the Year 1715, And we think we have plainly made Appear to your House that the present practice is most Reasonable Convenient, and Conducive to the Dispatch of the publick business. We Cannot apprehend wherein you Can Imagine any Injury done to the Priviledges of your House by the practice or what Inconveniency you Can Suppose may arrise from it, and as we are a part of the Legislature, we think we ought to have one part of the Bills in our House for our perusall during the Continuance of the Sessions. We therefore hope you will not Longer Insist upon this Affair

p. 58

to the delay of the publick Business, But join your En- L. H. J.
deavours to finish this Sessions

Sign'd p Order Geo: Plater Cl. Up: Ho.

On a motion being made the Question was put whether there shall be an alteration in the Law for ascertaining allowances or not.

Carried in the Negative.

The House adjourns till to Morrow Morning nine of the Clock.

Thursday Octo^r the 28th 1725

The House meets according to Adjournment.

Yesterdays proceedings are Read.

A Bill declaring probatts and Acknowledgments &c^a taken before the Magistrates in Annapolis to be Valid, was read the first and second times by Especial Order and past, and was so Endorst, and sent to the Upper House by Vachel Denton and Robert Gordon Esq^{rs}

They Return and Say they delivered it.

John Hall Esq^r from the Upper House delivers M^r Speaker the Bill directing the Disposall of Servants Committed for want of Security for their good behaviour with the following Message viz.

By the Upper House of Assembly

Octo^r the 28th 1725

Gentlemen.

If the two Servants you mention in your Message Yesterday by Cap^t Crabb and Coll^o Belt, were Committed to Goal for any Crimes or Misdemeanours Committed by them, we admire they should Remain there so long and not be brought to a Tryal by which Means they would be found guilty and Recieve Due Punishment or be Acquitted and Return'd to their Masters Service as our Law Relating to Criminal Servants directs, but if they were only Committed upon Suspicion of Misbehaviour, and after having lain so long in Prison no Act tending thereto Can be proved against them, we are of Opinion that they ought to be Releas'd and Return'd to their Masters, who after the Expiration of their Service are obliged by our Act of Assembly for the payment of the Criminall Servants fees to deliver them up for the payment of their fees, or pay their fees for them. If you please to Read the aforesaid Act of Assembly, we believe you will find Sufficient Provision therein made for the present Case, and we

L. H. J. think we ought to have the same tender Regard for the prop-
P. 59 erties of Masters in their Servants as that Legislature had
for which Reasons we have Refused to pass your Bill for the
Disposall of Servants Committed for want of Security for
their good behaviour.

Sign'd p Order Geo. Plater Cl. Up: Ho:

Coll^o Ward from the upper House delivers M^r Speaker
the Bill for Relief of poor prisoners, and the Bill Declaring
Probats in Annapolis Severally thus Endorst viz:

By the Upper House of Assembly.

Octo^r the 28: 1725

Read and will pass.

Sign'd p Order Geo. Plater Cl. Up: Ho:

Thereupon past for Engrossing.

The following Message prepared viz:

By the Lower House of Assembly

Octo^r the 28th 1725

May it please Your Honours.

We are Sorry to find ourselves Mistaken when we under-
stood by your Message of the 25th Instant that you were far
from desiring to Enter into unnecessary debates with us.
You are pleased to say you Cannot Imagine any Injury done
to the Priviledge of our House by the practice you Insist on,
or what Inconveniency may arise from it; you will please to
observe every Innovation Contrary to a good Constitution
is an Injury to it, and the practice we pray a Renovation of
has been the Constant practice used and Approved during
the Government of his Lordships Ancestors and of the
Crown and only Suffered alteration in the beginning of his
present Lordships Dominion without any Notice being taken
of it by Either House that appears on the Journals and Con-
sequently without argument; and Alterations of Ancient
Customes made Sub silentio are never accounted of Weight
Sufficient to sanction them; Every Innovation is to be Care-
fully watch'd against by those that like and have a mind to
preserve their Establishments. There may happen Incon-
veniencies by Alterations that we may not foresee at the time
of making them, but may afterwards feel by bad Experience
when it may be Insisted on as too Late to Remedy them. An
Instance of this Your Honours give us Now by Insisting on a
Ten Years practice Crept in amongst us unobserved without
any Sanction against the generall practice of former times.

We therefore think it our Duty to Interpose in time that this L. H. J. Young Obstacle to Old Experience may not it Self grow Stiff through age, and Obstinate by use. Your Honours give us occasion to Remark that tho you be an acting Body in this Legislature, Yet it is we that are the peoples Representatives for whom all Laws are made and Human Government Establisht. Your Honours Seem to be Assistants to Prerogative and Dependant on it, Rather than a State in which the people place a Confidence, Dependant on it (we may be allowed to Say) since your Honours at the time when you were pleas'd to think it your Glory and Priviledge to Assimulate your Constitution to that of Great Brittain in its three Estates of Legislature were pleas'd to Declare it his Lordships undoubted Right to Discharge at pleasure any member of his Councill and Consequently of Your House as you there agree, which things when your Honours fully Consider we hope you will not so much Insist on Your Having the Sole keeping of the Bills prepared for the Assent, but that you will agree to trust our Speaker with presenting them to his Honour the Governour for his Assent as hath been usuall, who for Dispatch may appoint two or more of our Members to see the Seales affixt and fiat wrote to them according to former practice in Readiness for his Honours Sanction, who by the perusall of them at the Oppertunities mentioned in our Late Message may be well apprized whether they be proper for his Assent or not. Your Honours Conclusion in this Matter will Demonstrate how far you are pleas'd to Decline unnecessary Debates with us.

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by Coll^o Ward, and M^r Solomon Wright. They Return and Say they delivered it.

An Engrost Bill to Encourage the Takers up of Runaway Slaves.

An Engrost Bill for the dividing Great Choptank Parish.

An Engrost Bill for Relieving the Inhabitants from some Aggrievances were severally read and assented to and sent to the Upper House for their Assent by M^r Smith and Coll^o Belt. They Return and Say they delivered them.

The following Message Prepared viz:

By the Lower House of Assembly

Octo^r the 28th 1725

May it please Your Honours.

The two Servants we mention in our Message of the 27th Stand Committed as persons of Evil fame for want of Se-

L. H. J. curity for their good Behaviour and if they were tried Convicted and punished in any manner Saving Life the same Reason for securing the publick peace might Subsist as well after punishment as Before and even after an Acquittal, for the end of Security for the peace is not to punish Crimes but to prevent them, and as the preventative Justice is of all others the most Conducive to the well being of any people, we hope Your Honours will not Insist on any thing that looks like depriving us of it. The Case of Criminal Servants fees and the Act Relating to it, no more Exempts Servants from being bound to their good behaviour than the Statute of the 4th of his Majesty deprives his Subjects of having the peace Secured to them against Convicts, and therefore we think that Act Concerns not this Argument. We Cannot think a Restraint by Imprisonment from Misbehaviour Can be any Evidence of good behaviour unless it be a Vertue in any one not to do what, he Cannot do, and if there were Cause at first to Committ such persons the Same Cause seems to Continue without Alteration for it may be presumed some person would be prevailed with in Favour of Liberty to be their Security in so small a Sume as is generally Expected on such occasions, p. 61 were not their Behaviour so notoriously bad that all the Assurances of Reformation they Could give whilst in Goal Could not prevail with any to trust them, and if no Single Subject will trust to their good behaviour for 10th or 15^t why should the whole of every Subjects Moveable Estate as well as person be Exposed to the Depredations of such unruly people? Where Servants are Return'd to their Masters after Punishment without Exacting Security it is generally where the Master or others are not under Ill apprehensions concerning them. But we hope Your Honours will not Insist on its being Matter of Right for the Servant to be Exempt from being bound to his good behaviour because he has Either been acquitted or Convicted of a Crime tho the Magistrate see Cause for it, for as we Esteem it to be the Duty of every Legislature to have a tender Regard to the property of Masters, we think it much more so to have a Tender Regard for the preserving the Publick Peace in which not only the Property of Masters but of every other Subject is Essentially Concern'd, and we pray Your Honours to Consider what other Remedy Can be proposed in the Case that gave Rise to the Bill sent you. One of the persons Committed is a Servant whose Master dare not be Security for him, nor dare Suffer him at Large without Security he having declared his Resolution to burn his Masters House on his first gaining his Liberty. The only Remedy in this Case and all such we Concieve to be to Sell them out of the Province or to such as will be Security for them. If Your Honours Can propose any better Remedy

we shall gladly fall in with it, if not we pray the Bill may L. H. J. pass as it is in favour of the Masters property, the Servants Liberty, and the Securing the Publick Peace.

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by Cap^t Harrison and M^r Johnson. They Return and Say they delivered it.

The further Address of this House to his Honour the Governour was Read and Approved of and ordered to be Entered as follows viz.

To the Hono^{ble} the Lieutenant Governour

The further Address of the House of Delegates

May it please Your Honour.

It is Indeed Certain and Apparent to us that Many of those Statutes not Restrained by Words of Locall Limitation would be prejudiciall to us were they to be Executed here, and that many of them are of great use and Benefit as Your Honour most justly Remarks, and that it has been the Practice ever since the first Settling of the Province for the Judges here to try and determine by those Statutes (as well as other the Laws we are governed by) they being Subject to the like Rules of Common Law or Equitable Construction as are used by the Judges in Construing Statutes in England which has been the Method hitherto approved of, And therefore we have not attempted any Alteration and we hope your Honour Intends none p. 62

The Oath of Judge Your Honour seems to Misconstrue. It does not tie the hands of the Judges to Judge according to the Statutes of England without Exception but according to the Usage and Constitution of this Province, and what that Usage is Your Honour Seems well Informed And that it hath been hitherto generally Approved And therefore hope your Honour will decline all thoughts of Altering a Course of Judicature so Long and Successfully Experienced which leaves no Room for the Inconveniencies Your Honour Mentions from the petulancy of Attorneys or other Cause, but we begg your Honour to Excuse us from attempting to Re-enact any Statutes that we already have a Right to, for that as his Lordship is pleasd to Remark in his Speech to us, Such an Attempt would Shew plainly those Statutes were not lookt on as Laws of the Country without a Law of our own to enforce them. We think it our duty to decline giving the Least Umbrage for such an Argument from any proceedings of ours, and hope Your Honour will not blame us for our doing so, nor

L. H. J. for our Entreating Your Honour to be Referred to the further advice of your Council in the Subject Matter treated of, who having fully debated it, and Concurr'd with us therein, may more fully Satisfy you, and with more Ease by way of Conversation than can be Expected from us by way of Address.

And as the Chief end of all parliamentary priviledge is to apply properly for the Redress of Grievances that happen to the people whether through Mistakes in the Administration of Justice or otherwise we should but poorly Answer the End of our Institution and Election if we should be wanting in this weighty part, and it is to your Honour in Such Case we are Immediately to Apply and therefore we desire Your Honour to Consider that all the Rights and Priviledges granted to us by Charter, and the Benefitt of all those Acts of our own we have from time to time at Vast Expence been making are Rendered Useless & unserviceable to us, unless you are pleas'd to Appoint such Magistrates to Administer them to the People as are well Inclind, as well as Sworn so to do. The Province is Yet too Young to have great Choice of Men, duly Qualified for the Magisteriall Offices, and therefore we the more Zealously Address Your Honour, not to deprive any part of our Country of such Magistrates as have been generally well approved therein. It is Impossible for Your Honour or any Supreme Magistrate to Judge of all their Subordinates from their own personall knowledge of the Men, and therefore it has been the Wisdom of Your Predecessors, to Advise with their Council of State and in Assembly
 p. 63 Times with the Sevrall Representatives who they were that were best Qualified in their Respective Counties to fill such Vacancies as might Happen in the Sevrall Seats of Judicature. These were found by Experience to be happy Rules of Choice to the People, and we doubt not they would be found pleasing and agreeable to Your Honour.

We observe by his Lordships Speech Communicated to us this Sessions that his Lordship seems not to depart from his Instruction of 19th March 1722 wherein he is pleased amongst other things to direct you, Not only [not] to Admitt of any such practice (as to a New English Statute to operate here) to take place in Maryland but even to discountenance any Doubts Concerning the same, and we are apprehensive that Your Honour Esteems Your Self obliged to Act thereby. This may it please Your Honour we are the Rather Induced to believe from an Enquiry we have made this Sessions of the Justices of Ann Arrundell County, who have been sworn to two new Commissions long since the Resolution and Con-

currence of Both Houses of Assembly Concerning the Form L. H. J.
of the Oath of Justice, but yet have not taken that Oath nor have had it tendered them, and forasmuch as we agree Intirely with the Sentiments of the Late Lower house Express in their Message of the 20th of Octo^r 1724, That the Liberties and Properties of the People Can never be preserved by Laws unless those Laws be made the Rules of Judicature, and that the form of the Judges Oaths are Essentiall to the due Administration of Justice according to those Rules in which Consists the due preservation of every Subjects Right, and because we do not apprehend the Oath of Justice Commonly taken to be Expressive Enough to answer its Intent, we make it our most humble Application to Your Honour that there may be no further Obstruction to this our great Security.

That the accustomed Oath is apt to be Misunderstood appears to us very Clear from the Examination of those Justices whereby it appears that upon their being apply'd to for the doing their Office in Securing the Peace of the County against persons of Evill fame according to the Statutes of 34th of Edward 3^d Cap: 1: and 4th Henry 7th Cap: 12: and According to the Resolutions of the Justices of the Same Court in the former Commission the Justices seemed Desirous to Hear those Statutes for their Information in the Case but that tho' they heard the former of them, and seemed to be desirous to hear the other, after a Short Adjournment declared their Resolution not to hear it, nor Any thing more Concerning that Matter, The Reason of which as we understood by their Declaration before this House, as well as before a Committee was that Your Honour Mett them at M^r Bowes's and told them of the Statute made in the fourth Year of his Majesty Concerning the Transportation of Con- p. 64
victs, and told them to take Care they were not Lead into a Snare as the Corporation was. From hence we the more Earnestly begg Your Honour to give Orders [that the Oath] agreed upon as by both Houses be Administred to all the Judges and Justices that have not Already taken it, and that as Your Honour has formerly been pleased to Declare that the Gentlemen of the Upper house of Assembly, were the only persons you should put a Confidence in, Your Honour would be pleas'd to advise with them by all Convenient Opertunities Concerning any Removes or Appointments you are pleas'd to make in the severall Judiciall Offices of this province By this means we hope Your Honour will not only Reap great Satisfaction, and Ease to Your Self, but administer them likewise most Agreeably to Your Country.

We humbly pray Your Honour's Resolution in Relation to the Instruction above mentioned, how far you are deter-

L. H. J. mined to Act by it, in the Course of Your Administration, that we may the better know how to Close our address to his Lordship on that Subject.

Sign'd p Order of the Lower House R. Ungle, Speak^r

Which was Sent to his Honour the Gov^r by M^r Crabb and five others. They Return and Say they delivered it.

An Engrost Bill for making Valid Probats &c: before Magestrates in Annapolis, was Read and Assented to, and was so Endorst.

A Bill for the Naturalization of Michael Ury a Greek, and the Bill for Removing Calvert County Court House were Severally Read the first and second times by Especiall order and past, which were so Endorst and sent by M^r Smith, and Vachel Denton Esq^r to the Upper House. They Return and say they Delivered them.

The Petition of John Bagby is Referred till next Sessions.

John Rousby Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

Octo^r the 28th 1725

Gentlemen.

p. 65 You were not Mistaken when you understood that we were farr from desiring to Enter into Unnecessary Debates with your House, for so we Realy were, and are, but we are not (to avoid Debates) obliged to Submitt our Judgment to your Demands as often as you are pleas'd to Require things of us, which we do not think Reasonable to Comply with, and Your Persisting in those Debates Rather lays the Imputation of promoting them at Your Doors than ours. We once more observe to you, that we do not find any Certain Rules has been ever made in the Case now Debated but That the practice has been various and since the Latest, tho of no Longer a Continuance then ten or Eleven Years for the Reasons given in our former Messages is in our opinion the best, we Cannot Consent to depart from it. If you please to Consult the former Journalls of Both Houses of Assembly, you will find many Alterations in the practice of both Houses, in things of much greater Consequence, than this at present in Debate, and that without any Express Resolution Concerning them, and if we should without any other reason than that such practices formerly prevailed Insist upon a Renovation of them, Notwithstanding the present practices were more Convenient, we should spend a great deal of our own time, and

the Country's Money to little purpose. Notwithstanding the L. H. J. Invidious Remark you are pleas'd to make of our being only Assistants to the prerogative we Suppose our Selves to be an Intermediate Estate between the Prerogative and the Liberties of the People and tho' Dependant on the prerogative as to our Continuance Yett free to Act for the good of both, and whether you or the people will be pleas'd to Confide in us or not, we shall Endeavour to discharge our Dutys with a good Conscience according to the best of our understanding. We do not Remember that we ever yet deny'd to trust Your Speaker with the Engrost Bills to present to his Honour the Governour for his Assent, when the Business of this Sessions is Ripe for a Conclusion, or Said any thing to hinder your Members from seeing them Sealed, all we Insist on, being only that those Bills should Remain here till that time for the Perusall of his Honour the Governour, and this House. If You Concurr with us in this all the Bills may be sent to your House time Enough for the purposes you propose

Sign'd p order Geo: Plater Cl: Up. Ho:

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the Severall Engrost Bills sent this day to the Upper House for their Assent with the following Message viz.

By the Upper House of Assembly

Octo^r the 28th 1725

Gentlemen.

The Method of sending up Engrost Bills to this House without Your Assent appearing thereto seems to be an Innovation which is the very thing you Complain of in Your Message. We have therefore thought fitt to Return the same Bills for your further Consideration and Assent.

Sign'd p Order Geo: Plater Cl: Up: Ho:

Bill for Limitation of Officers fees Read the first and Second time by Especiall order and past. Sent to the Upper House by Coll^o Mackall and M^r King.

They Return and say they delivered it.

John Hall Esq^r from the Upper House delivers M^r Speaker p. 66 the Bill for Building Calvert County Court House, and the Naturalization Bill for Michael Ury thus Endorst,

By the Upper House of Assembly

Octo^r 28th 1725

Read and will pass.

Sign'd p Order Geo: Plater Cl. Up. Ho:

L. H. J. Thereupon they past for Engrossing.

The Report of the Committee appointed on Cap^t Riders Affair was brought into the House and ordered to be Entered as follows viz:

At a Committee Appointed by the Upper and Lower Houses of Assembly to Enquire into the Affair Concerning the Claims made by Cap^t John Rider and M^r Isaac Nicholls to some part of the Indians' Lands in Chicowan upon Nanticoke.

The Members appointed are as follows.

Of the Hono ^{ble}	{	Philemon Lloyd Esq ^r Coll ^o Richard Tilghman	}	the Upper House
Of the Hono ^{ble}	{	Coll ^o John Mackall Coll ^o Tho: Truman Greenfield John Beale Esq ^r M ^r George Dashiel M ^r John Kirk M ^r Ralph Crabb	}	the Lower House.

Who Make Choice of Philemon Lloyd Esq^r Their Chairman and William Ghiselin their Clerk and thereupon proceed to the Subject Matter Given them in Charge, and do Represent that it appeareth to this Comittee upon Inspection into the Severall papers Laid before us that Cap^t John Rider and M^r Isaac Nicholls their Cases have been very untruly and Artfully Represented unto his Lordship the Lord Prop^r and thereby given this further Occasion of Trouble to the Legislature with an unnecessary additional Charge to Large Sums of Money and Tobacco already Expended upon the frequent Complaints of the Nanticoke and Choptank Indians in Relation to Injuries done them by the English and particularly with Regard to the before mentioned Cases.

This Committee takes the Liberty of Observing that Cap^t Rider hath Insinuated his Case as if his Right to the Lands in Question had been prior to the Indian Title by Act of Assembly nor doth it Indeed Appear by the papers Laid before us whether the Indians had any Right att all to the Lands at Chicowan before the time of his purchase and the Demise in his Case mentioned, Whereas we find that the Indians Titles According to an Alottment of Lands made them were very Early preserved Either by the Act of the Lord Prop^r himself or by the publick Act of the Country, but it appeareth that Cap^t Riders purchases were made so late as Anno 1713 and 1720, and have Reason to believe that the purchase

of Major Hicks under whom he holds by Demise (nothing being Shewn to the Contrary by Cap^t Rider) was after the Year of our Lord 1698 the Time of Ascertaining the Bounds of the Indians Lands at Chiccowan according to the paper Marked C. C: and Seems to this Committee to be a Manifest proof that Cap^t Riders purchase [was] under the Circumstance of an Indian Title and Possession and Ought therefore both in Law and Equity to have waited untill their Right had determined and devolved upon him according to the Proviso in the afores^d Act of Assembly. L. H. J.

We find also the Indians Manner of Planting and habitation in their Towns to be Represented in the Case far different from the practice amongst those people who Instead of being Unsettled Ubiquitarians had by themselves together with the Wicomeses their Subjects, Claimed and Inhabited about Chiccowan Creek Anno 1668, as appears Lib: H. H. page 296 but how many Years before that time, we are not able to Discover nor is it Reasonable to believe that any Desire in the Proprietors of the Land in Question, to have their Lands Cleared by the Indians (as it is alledged in the Case) nor their being Eased of the Quitt Rents, nor much less any Expectation of their Desertion of those Towns, the fixt Habitation of the most potent Nations of the Indians on the Eastern Shore Should have any ways facilitated the passing of that Act of Assembly for Ascertaining the Bounds of a Tract of Land for the Use of the Nanticoke Indians Anno 1698, Seeing that it appears Evidently the said Act was made in Consequence only of the Indian Habitation at that place for many Ages, as far as we Can tell, and of a Comission heretofore viz: Anno 1684 Directed to Coll^o William Stevens, Major Thomas Taylor and Others for the laying out and Ascertaining a tract or portion of Land, where the Emperor of Nanticoke and the Indians under his Subjection then usually Inhabited.

We of this Committee do Represent also for the Setting this Case in a Clear Light and for preventing for the future the Intollerable Charge and great Interruption given to the Publick Business of this Province by the frequent Complaint of those Indians, that we have made diligent Search into Ancient Records and proceedings of this Province in Relation to Indian Titles and possessions of Lands allotted or otherwise Ascertained to them, and we find that upon Application Made to the Queen of Port Tobacco &c: That a proclamation Issued Anno 1663 Setting forth the Complaint of those Indians, that their Corn fields, were Yearly destroy'd by the Cattle and Hogs of the English and they thereby Reduced to Famine, for Prevention of which Mischief it was p. 68

L. H. J. by the Lieutenant Generall Willed and Required that no Inhabitants of this Province should take up nor Seat any Lands Tho' formerly taken up within three Miles at least of those Indian Habitations, as in Lib. H. H. page 190.

The Disturbance and Encroachments of the English upon the Town Lands and Settlements of the Eastern Shore Indians, was likewise found of Mischievous Consequence, and therefore Restrained in Severall places in Somersett County and at Chicowan in Dorchester County by a proclamation of the Lord Prop^r Anno 1678, Importing that his Lordship would advise with the two Houses at the Next Gen^l Sessions of Assembly and that no person or persons whatsoever should presume to Seat live or Inhabit within three Miles of the Indian Lands. The like had been ordered in Councell Ten Years before in Relation to the Indian Lands at Mattawoman and Piscattoway Creek where a Reserve had been made for them between those two Creeks. This Committee further Observes that the prohibition of Surveying and Seating Lands within three Miles distance of any Indian Town was the Constant practice of this Government both before and after the Survey of the two tracts of Land Mentioned in Cap^t Riders Case and altho not Specifically apply'd to the Nanticoake Indians and the Subjects of that Emperor as in Lib: R: R: page 165 untill the Year 1678 and after the time of taking the said two tracts of Land, Yet the Circumstances being the same, their Case doth very Naturally fall within the Reason of those Earliest prohibitions and puts the Surveying of all Indian Lands under the same Restrictions and Limitations, that is at the perill of the taker up, for Notwithstanding that we Cannot find any particular tract of Land Laid out to the Use of those Nanticoak Indians, Yet it appears plainly by Articles of Peace with the Emperor that a Generall Reserve or Allottment had been granted them at Chicowan Creek and the parts adjacent Ten Years before for it is the second Article in the Treatie of Peace Concluded
p. 69 with those Indians upon May the 1st 1668, In Lib: H. H. fol 296 that Unnacokasimmon Emperor of Nanticoak should deliver up the whole Nation of the Wicomises, at Siccacoan Town and all those Indians who protected the Murtherers of Cap^t Odbur. This Wicomises Town appears to have been tributary to the Nanticoke Emperor, who either lived at the same place in a Distinct Town, as usuall Amongst those People or in the parts adjacent thereunto, for in the same Year Either by the Assistance or Connivance of the said Emperor the Canton of the Wicomiss Nation was wholly Exterpated after which time it is very Reasonable to believe that Unnakocasimmon with his Subjects and Confederate In-

dians mixt with them Remaining Sole masters and possessors L. H. J. of that town and the adjacent parts upon Nanticoke River as a Reserve made by the Government to that Nation, seeing that we do not find any Lands since the Year 1672 have been Survey'd within the Bounds of that Large tract of Land untill very Lately by Cap^t Rider and others, but that the said Land remained as a possession and territory to the Nanticoke Indians for by the Articles of Peace made with Unnacocasimmon upon March the 28th 1678 after a Second Rupture with the Nanticokes it was then Stipulated in the 6th 9th and 10th Articles that whatever Servants, and Slaves or Strange Indians should be Entertained in the Town Dominions or Territories of the said Emperour that the first should be apprehended and Carried to the first English Plantation and that the Emperor himself should be Answerable for all Mischiefs perpetrated by the Latter, and further that the said Unnacocasimmon Should Yearly and every Year upon the Twentieth day of Octo^r pay four Indian Arrows as an Acknowledgment to his Lordship and as a token of the Continuance of Peace. This proves an Alotment or General Reserve of Land to have been made to the Nanticoak Indians as it is ImPLY'd by the Word Acknowledgment Although the Bounds thereof were not particularly agreed upon.

But upon Complaints of Incroachments Oppression and other Injurys done to those Indians, as it is Exprest in the Act of 1698 for ascertaining the Bounds of a Tract of Land for the use of the Nanticoke Indians, The Legislature then took the Affair in hand and by an act Ascertained very particularly the Extent of that Dominion and Territories above Mentioned thereby to Secure peace and Tranquility to this province by Redressing the Discontents of those people, least following the Example of the Pascattaway and other Indians on the Western Shoar who were at the same time Retired back into the Mountains upon Some discontent about their Town Lands made frequent Incursions among the out plantations which did Oblige the Government to Maintain at a Vast Expençe very great Numbers of Rangers for Protecting the back Inhabitants of Prince Georges and Baltemore Counties from the Insults of those Savages.

This Committee is further of Opinion that it was through p 70 an Apprehensōn of the Like Mischiefs from the Eastern Shore Indians which facilitated the passing the Above mentioned Act of Assembly Rather then any design in the Legislature of making the English proprietors of Lands within the Indian Bounds Easey, or through any Expectation of those Indians Desserting or Leaving the Place as it is falsely Suggested by Cap^t Rider for the Same Motives appear after-

L. H. J. wards to have obtained with the Legislature Viz: Anno Seventeen hundred and Eleven in making the purchase of Three thousand Acres of Land for the same Indians at Broad Creek at a Conjunction when the Troubles of the Indians at Carowlina put them in mind of the necessary Measures of Quieting the Minds of our Indians then Sowered by the frequent Injuries done them by the English and particularly by turning Horses into their Corn fields

Having thus Represented the Right of the Indians to their Town Lands and particularly that of the Nanticokes to the Chiccacon Town, we proceed in the next to Examine the Allegacōns of Cap^t Rider with Regard to the Dissertion of that Town it being alledged in his Case that the Nanticoke Indians in the Spring 1722 not only Omitted the planting of Corn on the said Lands but broke down and burnt their fences and Removed to a place twenty Miles higher up Nanticoke River.

This seems to look Something like a Desertion and leaving the places according to the words of the Act if the facts alledged had been true but upon Inquirey into the Matter we find that the Nanticoke Indians upon some Disgust through Injuries done them by the English removed higher up the River about twenty Years agoe and not in the Year 1722 to a place Called Broad Creek which was afterwards in the Year 1711 purchased for them by the Country as a further provision for those Indians as appears by an Act of Assembly made for that purpose whereby it is Evident that the Nanticoke Indians by their Removall and Settlement at Broad Creek did not Disert nor Leave their Town at Chiccacon Creek as it is Insinuated in the Case Seeing the Broad Creek Town to which most of the Nanticoke Indians had retired was Intended by the Legislature to be a further provision and Relief to them, Against Injuries done them by the English whilst the Choptank Indians with another part of the Nanticokes Remained at Chicccacan and so Continued to do notwithstanding Incroachments of the English and other Injuries done them of which they frequently Complained Still Asserting their Right to Chiccacon Town as by a Complaint personally Exhibited to the two Houses of Assembly in the Year 1719 by Panquass and Anatocam Chiefs of the Nanticoke Indians Against a Certain Roger Fowler praying that he might be Removed from thence. It was Ordered thereupon that Roger Fowler do remove from off the Indians Lands by the January following as he will Answer the Contrary at his Perill, and again by the Journall of 1721, it appears that the Nanticoke and Choptank Indians Complain of Incroachments made by

the Inhabitants of Dorchester County, and pray Redress L. H. J. therein from this Government.

By all Which it appears to this Committee that the Indian Title to the Lands at Chiccocon did not any ways determine according to the Purport and true Meaning of the Proviso in the Act mentioned by their Removing Twenty Miles Higher up the River for that in November 1721 Coll^o Richard Tilghman and Matthew Tilghman Ward two of the Commissioners appointed by Act of Assembly for Resurveying and Ascertaining the Indian Bounds did see Sundry Corn fields in the Chiccocon Town as they Informed this Comittee, the most of the Indians then being gone out to their Hunting Quarters according to their Usual Practice Except W^m Ashquash the Late Emperours Son, who had a handsome Settlement and a good Corn field fenced after the English Manner and possibly fixed there by the Indians with design to hold possession, as was Edward Wright also, who in the Deposition of Tho: Abbott Amongst Cap^t Riders papers Marked D. D. is declared to be a Tennant to the Nanticoke Indians and therefore no Desertion or Leaving the place within the Intention of the Provisoe in the Act of 1698 Altho the Injuries by English Mens Horses &c: Induced the Choptank Indians to retire to a place Called Locust Neck upon the Choptank Tract.

It appears also to this Comittee that the facts alledged by Cap^t Rider as to his taking possession of and building a Small Clapboard House in the Chiccocon Town, and the Indians leaving the Place after the burning of W^m Ashquash Cabin, and Cornfield fence, are true, but it is very untruly represented that those Indians themselves had destroy'd their Cabbins or burnt their fences as a token of Deserting and Leaving the place or that the small Improvements made by Cap^t Rider were any Inducement to those Indians in the Re-possessing the place, for they Return'd again of themselves in the fall of the same Year, and Sometime after as Cap^t Rider himself did suppose burnt down his Improvements, but Complained in the mean time to the Commissioners appointed by Act of Assembly for Determining Indian Differences, that the English had burnt W^m Ashquash's house and part of his Corn field fence, with design to drive them away from the said town which doth not seem Improbable Seeing that the fact was done About the time of planting Corn, and the Damage Irreparable for that Season, but W^m Ashquash who did not Remove Twenty Miles hier up the River as it is alledged Remained amongst the English during the Summer for his Subsistance and Return'd again to the Town with

L. H. J. other Indians, and Erected New Cabbins which have been Inhabited by them untill this time Edward Wright their Tenant having as they say held possession for them all the while.

By which it appears Evidently to this Committee that the Legislature ought not to have been Charg'd with Injustice in preventing Cap^t Rider from disturbing the Indians in their Possession seeing that if the first takers up of the Land Claimed, have not already Rec^d an Equivalent from his Lordship as in the Case of Edmondsons Guiny Plantation upon the Choptank Indian tract Yet his Estate in those Lands Cannot by the Rules of Law Commence untill after a Desertion or Leaving the Place by the Indians which is the Intention of the Act of 1698 which we are humbly of Opinion they
 p. 72 have not yet done for Cap^t Rider bought those Lands with no other views nor gave he any other Consideration as it is said for them than as for an Estate in Reversion after the Indians should Leave and Totally desert the Place According to the true Intent and Meaning of the Proviso in the Act above Mentioned Marked C. C. which Intention hath been frequently Explained by the Legislature and a hearing between Cap^t Rider and the Indians before both Houses of Assembly at which time there happened a Remarkable Instance of the good sence of those Salvage People, for after the Matter had been Resolved in favour of the Indians Harry Coursey the Emperour was advised to Return home but Refused and said that he would Stay in town untill the Act Should be past that he might know whether Cap^t Rider or he was to be Emperour of Chiccoan.

It appears also to this Committee to be a gross Reflection upon the Justice of both Houses, that Cap^t Rider should alledge in his Case that it appeared to them that the Indian Estate to the Lands in Question had determined and that the Late Law Marked E. E. was made with Design of Restoring them to the same again with a Stronger and fuller Title, but the Gent^s freedom in taxing the Justice of the Legislature will turn to his own Shame upon Enquiry into the true Motives of that Act which are Expressly Declar'd in the Journall 1723 to have arisen from fresh Complaints as it is said in that Journall Ever since the Last Sessions (wherein an Ordinance of Assembly had been made in favour of the Indians upon Sundry Complaints to the Gover^r and Councill) that Cap^t Rider had Molested the Nanticoke Indians and would not Suffer them to Cultivate any part of their Lands, and Cap^t Rider himself after the Making of the Act Petitioned the Gov^r and Councill to have the Liberty of Purchasing or Leas-

ing from those Indians but that Liberty being deny'd him, L. H. J. for the Ill Consequences that had been found to attend such practices, he then Made his Application to the Lord Prop^r and very artfully Insinuated in his Case, that his Lands were not Included within the bounds of the Tract Mentioned in the Act of 1669 Marked H. H. but the Gentⁿ was not so Ingenious as to Inform his Lordship that his Lands were Included within the Limits of the Chiccoan Town Reserved to the Nanticoke Indians in 1668, and more particularly in the Year 1678 and at length Invested In the said Indians by Act of Assembly in 1698 long before his purchase or Maj^r Hicks devise to him of any the Lands in Question.

This Committee upon Inspection into the papers of M^r Isaac Nicholls of Dorchester County, do find the facts relating to the Manner and Validity of his Purchase from the Indians to be very Unfairly represented to his Lordship in the Case laid before us for he therein hath very Industriousl^y p. 73 Concealed all those Circumstances, which were previous to his purchase, and would have proved the unreasonableness of it, as well as the particular Motives which after Induced the Legislature to Annull and make void his Deed and totally to Restrain any kind of Allienation for Nanticoke or Choptank Indian Lands for the future, whether by Lease or purchase for the frequent Complaints of the Indians to the Governour and Councill, as well as to the two Houses of Assembly have arisen either from purchases Leases or other Incroachments made upon the Indians Limits, the Source of all our Late Differences with the Indians, for Prevention whereof, and to put an End to all those Disputes which have been a great Interruption to Business and a vast Charge to the Publick of this Province, the Legislature Impowered the Governour for the time being to Appoint Commissioners to Ascertain the bounds of the Indians Lands and for Determining all Differences between the English and them, in Pursuance whereof Philemon Lloyd Esq^r Coll^o Richard Tilghman and Coll^o Matthew Tilghman Ward in Novem^r 1721 did lay out and Ascertain the Exterior Boundaries of the Choptank Indian Lands reserved to them by Act of Assembly Anno 1669 marked A: A: and Considering how small a part of that Large tract of Land either by Sales, Leases, or other Incroachments made by the English was then left to those Indians to make Corn upon, The Commission^{rs} afores^d thought it a part of their Duty, and for the publick Service of the Country to give such publick Notice to the Inhabitants Contiguous to the Indian Tract aforesaid (of which M^r Isaac Nicholls was one) as might prevent the purchasing, Leasing or any other

L. H. J. Means of Dispossessing the Indians of that little Remainder of Plantable Land which is now left them.

It appears to this Committee that Isaac Nicholls little Regarding the friendly Caution Given by those Commissioners nor that the tract of Land of which he hath purchased a part was Claimed by Maj^r Nicholas Sewall and a Nego[tia]tion then on foot In both Houses of Assembly for the purchase of the same at the publick Charge Made the purchase mentioned in his Case and partly by Intoxicating Liquors, and partly by a Sume of Ready Cash deluded the Chiefs of those Indians into a Sale of their Lands which said Sume of Money with a Complaint of his Manner of bringing about the bargain was Immediately brought by those Indian Chiefs unto Philemon Lloyd Esq^r and by him directed to apply to the next generall Assembly for their Relief.

It appears further to this Committee that those Indian Chiefs did apply themselves to the Legislature in Octo^r 1722 and laid their Complaints together with the purchase Money they had Rec^d from Isaac Nichols before the Governour and Upper House of Assembly Whereupon a Message was sent to the Lower House Importing that the Indians of the Eastern Shore having made frequent Complaints of Injuries done them either by purchases made of their Lands when in Drink or of Incroachments made by the English into their Bounds and of such persons also who having Entered upon their
 p. 74 Lands By Consent and upon Condition of paying Rent therefore have not Comply'd therewith so that the Indians on the one Hand are Cheated of their Rents, and on the other Hand with the Loss of their Lands, the first gives a great Deal of Unnecessary Trouble to the Government, as the other will lay us under a Necessity of purchasing more Lands for them to make Corn upon.

We also observe the necessity which the two Houses of Assembly found themselves to lye under of Relieving the Indians against English Fraudulent Purchases to [be] the Sole Motives and Inducements of the Act of Assembly Complain'd of by said Nichols whose willfull and Contemptious proceedings in Relation to his purchase and small Improvements made thereon deserved the Censure rather than Compassion of the Legislature who treated him with a grat Deale of Tenderness by Restoring the purchase Money with a Small Defalcation by his Indian Friends and advising him to Relinquish his Claim.

We of the Committee do likewise find this Case of M^r Isaac Nicholls to be attended with Sundry Aggravating Circumstances first that the Indians, as they Informed the Governour

and Upper House of Assembly were made drunk by him, L. H. J. in which Condition with allurement of the Money a bargain was brought about for the Land in Question.

Secondly that the said Land was purchased by him at an under rate the Consideration being Expressed in the Deed to be Twenty Seven Pounds Ten Shillings Currant Money, whereas the Publick paid Maj^r Sewall the Year following for a Tract of Land Called Indian Neck of which Tract Isaac Nicholls had purchased the Better part.

Thirdly that the purchase and Improvements made by Isaac Nicholls aforesaid tend evidently to the defeating the good Endeavours of the Legislature in making the Indians the Primitive Inhabitants of this Country Easy under their present Circumstance and loss of their Country by securing Convenient and Suitable Lands for them and their Posterity to Subsist upon for Nichols knew before the time of his Purchase that Major Sewall Claimed the Land and had petitioned the Assembly for Satisfaction therefore

It appears likewise to this Comittee that the Attested Cert^e of Sales Can be of no Avail to said Nichols in the present Case where his purchase differs so very widely from those heretofore made by the English who then Lay under no manner of Restriction from the Government Concerning the purchase of Indian Lands

It appeareth lastly to this Comittee that Since the time of the purchase by the said Nichols, Major Nicholas Sewall did so far make out his Right to that tract of Land Called Indian Neck within the bounds whereof Nichols's purchase is wholly Contained, That the publick paid him Thirty Thousand pounds of Tobacco for it, and must Consequently bar and make Void Nichols's Title even Altho, that Act of 1723: p. 75 Marked E. E. had not been made and leaves no Room at all for the said Nichols who purchased thro obstinance and folly to Expect any Compensation from the Country for his pretended Right to the same.

The Premisses being Considered this Comittee are humbly of Opinion that no Compensation be made Either to Cap^t Rider or Isaac Nichols for the Lands in Question and are in hopes that if his Lordship will be pleased to give himself the Trouble of Inspecting the Report and the Journals of the Two Houses at the time of passing the Act in 1723 Marked E. E. he will neither dissent to that Act nor so Readily give Countenance to Applications made to him for the future wherein the Justice of the Legislature of this province is so grossly

L. H. J. Arraigned. All which is by this Committee humbly Recommended to the Consideration of both Houses of Assembly.

Signed p Order Will^m Ghiselin Cl. Com.

The following Engrost Bills were Read and Assented to viz:

The Bill to Encourage the takers up of Runaway Slaves
The Bill relieving the Inhabitants from some Aggrievances.

The Bill Declaring probats and Acknowledgments taken in Annapolis to be good.

The Bill for Dividing Great Choptank Parish.

Which was sent to the upper House by Coll^o Belt and Cap^t Gordon, with the following Message Viz:

By the Lower House of Assembly

Octo^r the 28th 1725

May it please Your Honours.

We herewith send your Honours the Engrost Bills with our Assent Subscribed in Confidence of Your Returning them and all others in like Case, time Enough to this House, before the Conclusion of this or any other Sessions, that this House may be possess'd of them, and see the Seals affixt to them all before any one Bill in this or any other Sessions have the Governours Fiat to it. This we take to be the Amount of Your Proposals in the Case and we rely on it accordingly always Saving to this House its due and accustomed Priviledges.

Signed p Order Mich: Jenifer Cl. Lo. Ho:

They Return and Say they delivered them

The House adjourns till to morrow Morning Nine of the Clock

Friday Octo^r the 29th 1725

The House meets according to Adjournment

Yesterday's proceedings are Read.

M^r Tho^s Gant a member Returned to Serve for Prince George's County appears in the House, being absent hitherto thro: Indisposition. Ordered that M^r Crabb and Coll^o Belt go to the Upper House to see him qualified

p. 76 They Return and Say they see him Qualified. Thereupon he took his place

The Petition of the Visitors for the Publick School in Kent County was Read and the Question being put whether the

same shall be Rejected or Not, It was carried in the Affirma- L. H. J.
tive.

John Hall Esq^r from the Upper House delivers M^r Speaker the Bill relating to Servants that Cannot give Security for their good Behaviour, with the following Message Viz:

By the Upper House of Assembly

Octo^r the 29th 1725

Gentlemen.

In your Message of the 28th Instant by M^r Harrison and M^r Johnson, Relating to the Disposall of Servants for want of Security for their good behaviour You tell us you hope we will not Insist on any thing that looks like depriving you of preventative Justice, which plainly Implies a Surmise, that we are going about to do it. We are very well assured that [in] our former Message Relating to this Bill, we have not used any Expression that Can be a just foundation for such a suspicion, and are very Sorry to find our selves often treated with such unjust Reflections in your Messages Rather as Enemies to our Country and Subverters of Justice then as an Upper House of Assembly. May we not differ with you in Opinion about some things debated between the two Houses, without being Suspected of having Intentions to deprive you of Justice, or Invade your priviledges? We desire you will be pleas'd to Consider that such Measures instead of Cultivating a good Understanding between us, directly tends to a Breach of it, and therefore we hope you will forbear such treatment for the future. It seems Strange to us why you should give Your Selves the Trouble of Composing so long a Message Consisting of Repeated Assertions of the Necessity of preserving the Publick Peace, and that Servants are not Exempted by the Act for payment of Criminall Servants fees, from being bound to their good behaviour, things not any where deny'd in our former Message, for we have as great Regard to the preservation of the Publick peace as You, and we have only Referred to that Law as a Sufficient Provision for the payment of Criminall Servants fees, without Injuring the Property of their Masters by the Exposing them to Sale, according to the unreasonable Directions of the Bill now in Debate, and we now take Leave to observe to you that altho the Act before Mentioned does not Exempt Servants acquitted of Crimes from being obliged to give Security for their good behaviour, yet as it directs they shall be Return'd to their Masters without any Condition expressed Obliging them to give such Security we may from thence Reasonably Inferred an Intention in the Law of Excusing them unless in Extraor-

L. H. J. dinary Cases, and agreeable to this has been the practice of the Magistrates who since the Making of that Law very seldom Require any such Securitys, and this we take to be a prudent Indulgence to the property of the Master which ought not to be Invaded unless in Case of Necessity. As to the Case of the two Servants if it be a favour to the Masters property, or that they are afraid to Bail them, No doubt but they will Consent their Servants should be sold either out of the Province or to such as will be Security for them, and this may be done without a Law to Oblige them; besides we Cannot think it Reasonable to make a Generall Law for Remediing a particular Case, and Invest the Magistrates with an Arbitrary power of Obliging Masters to sell their Servants or be Security for them upon every Surmise of Misbehaviour. So long as these Servants persist in such Obstinate Mischievous Resolutions as you mention in Your Message the place where they are [is] fittest for them, and whensoever they shall Show any Disposition to Repentance and amendment whereby the Magistrates may be Induced to Release them Sufficient provision is already made for the payment of their fees. For the Reasons in this and our former Message we Cannot Consent to pass the Bill

Signed p Order Geo: Plater Cl. Up. Ho:

On Reading the Report of the Conferrees on Cap^t Riders petition the Question was put whether this House Concurrts therewith or not

It passed in the Negative.

An Engrost Bill for Relief of poor Prisoners; for Building a New Court House in Calvert County, In favour of John Speak Jun^r were assented to and were so Endorst, and Sent to the Upper House by Cap^t King & Vachel Denton Esq^r

They Return and say they delivered them

Coll^o Ward from the Upper House delivers M^r Speaker the Paper Bills of the three Engrost Bills last Mentioned Severally thus Endorst viz:

By the Upper House of Assembly

Octo^r the 29th 1725

The Engrost Bills whereof this is the Originall is Assented to By this House

Signed p Order Geo. Plater Cl: Up: Ho.

As also the following Paper Bills viz.

For dividing Great Choptank Parish, and the Paper Bill

declaring Probatts and acknowledgments &c: before the L. H. J. Magistrates of Annapolis to be Valid.

And the Bill to Encourage the Taking up of Runaway Negroes Severally thus Endorst viz:

By the Upper House of Assembly

Octo^r the 29th 1725

The Engrost Bill whereof this is the originall is Assented to by this House

Sign'd p Order Geo: Plater Cl. Up: Ho:

The following Message is prepared viz:

By the Lower House of Assembly

Octo^r the 29th 1725

May it please Your Honours.

Notwithstanding Your Message of this day by John Hall Esq^r we shall still persist in our Resolution of Declining all unnecessary Debates with you and shall Act both with Respect to you and us as becomes the peoples Representatives. If by your Message of the 28th Instant you did not give us Reason to believe that you were of Opinion no Servants ought to be Committed but for some Misbehaviour or Offence Actually Committed we misconcieved it. We demonstrated in our former Message an Evill that wanted a Remedy, we proposed a Remedy by this Bill, and beg'd you if you did not like it to propose a Better. You neither seem to like it nor propose any other, and 'tis plain the Acts already in force provide not in the Case. It follows then that an Evill Remains which we endeavour but you decline to Remedy. Our Duty Nevertheless Obliges us to Insist upon your further Consideration of the Evill Complained of and the Bill proposed to Redress it

Signed p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r King and M^r Johnson

They Return and say they delivered it

M^r Speaker Communicates to this House his Honour the Governours Answer to the further Address of this House viz:

29th Octo^r 1725

Gentlemen.

I have perused your address to me of Yesterday, to which please to Recieve my following Answer.

L. H. J. I will maintain the King and My Lord Proprietors Prerogative.

I will Support you in your Rights and Priviledges, and I do not Intend to alter our old forms of Judicature without the Consent of both Houses, in a Parliamentary Way.

Cha: Calvert

Gentlemen.

I cannot help taking particular Notice, of that part of your address, Relating to the Justices of Ann Arrundell County, because it seems design'd to Reflect upon me. I did meet the Justices at M^r Bowes House, I did Inform them of the Statute of the fourth of our Present Sovereign Relating to Convicts, and I did Command the Justices to obey it, and whoever will not do so, flyes in the face of his Majesty's Authority.

I am afraid some Evil Spirits walk among us, and it would be matter of Great pleasure to such, to have your house and me att Variance, but for my own part, I defye the Devill and his Works to do it, and Shall use those most Excellent Words in the Litany, "Abate their pride, Asswage their Malice, and Confound their Devices."

I am Gentlemen

Your Very hum^{ble} Serv^t Cha: Calvert

Thereupon the following Message is prepared, viz:

To the Hono^{ble} the Lieu^t Governour

May it please Your Honour.

p. 79 Your Honours decla[ra]tion that you will Maintain his Majesty's and his Lordships Prerogative is no less Endearing to us than that of Supporting our own Rights and priviledges. We Cannot Expect to be protected in the one without the prosperity and good Success of the other which we shall ever Chearfully do our Endeavours to promote; and Inseperable from these is, in our most humble Opinion, the Continuance of our old forms of Judicature, which we are therefore the more Solicitous to preserve. The Judges Oath is Essentiall to this, and the Old form tho full in substance, we find to be too Generall in its Expressions not to be Misunderstood by some who take it, and we take it to be for this Reason that both Houses of Assembly Last Sessions Concurr'd in a more Expressive form, agreeable to the true Intent of the Old one and more Conformable to the Oath of Judges in England as directed by Statute; but whether this Concurrence were such a parliamentary assent of both

Houses as will Induce Your Honour to Require that Oath L. H. J. to be taken by the Judges, is what yet Rests doubtfull with us, which we therefore in most humble Manner pray your Honour to Explain by a further Intimation of Your Pleasure to us on that head as well as what Relates to the Instruction. We assure your Honour whatever you are pleas'd to take in our address as design'd to Reflect upon you, has not been done with any such Intent. We have only Endeavour'd to Relate the Truth in such Manner as to the best of our understanding might be most Servisable to his Lordship's Government, and for the Preservation of that old form of Judicature which your Honour seems to approve, for the welfare of the Province, and we hope your Honour will be pleas'd to understand us so.

And we do Sincerely and Heartily Join with your Honour in praying that God will be pleased to abate the pride, Asswage their Malice, and Confound the Devices of all his Majesties, His Lordships, your Honours, and our Enemies and in a particular Manner that you your Self may be preserved Intirely free from the Influence of any Evill Spiritts without doores, and we Can in the most Solemn Manner affirm that we have not the least Cause to Suspect any among us.

We Return Your Honour our Unfeigned thanks for the Assurance you are pleased to give us that no Endeavours of others shall sett you at Variance with us, and we Assure Your Honour no Action of our own Can answer our Intent if it deserve Your Displeasure.

Which was signed by the Speaker and sent to the Upper House by Cap^t King and five others. They Return and Say they delivered it.

The Bill to Restrain the ill practice of Attorneys &c: was read the first time and ordered to lie on the Table.

The House adjourns till to Morrow Morning Nine of the Clock.

Saturday Octo^r the 30th 1725

The House meets according to adjournment. Yesterdays Proceedings are Read.

An Explanatory Bill to the Act for Relief of such persons p. 80 as had been Convict on the Tobacco Laws, &c. was Read the first time and the Question being put whether the Bill shall be Read a Second time or not, it was Carried in the Negative. Thereupon the same is Rejected

L. H. J. Coll^o Ward from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

Octob^r the 30th 1725

Gentlemen.

We are still of opinion that the Laws now in force Sufficiently provide against the Evils Complained of in Your Bill directing the Disposall of Servants &c: and therefore Cannot Consent to pass it.

Sign'd p Order Geo: Plater Cl Up. Ho:

M^r Speaker Communicates to this House his Hono^r the Governours answer to the Message of Yesterday on his answer to the further Address of this House.

Gentlemen.

I return you my unfeigned thanks for your affectionate Address to me (of the 29th Instant) and kind Assurance therein, that none of Your House bear me Ill Will, and I do assure you, Nothing shall be wanting in me, to deserve the Continuance of your good liking towards me.

As to his Lordship's Instruction which you mention to me in your address, I fear there may have been too much warmth, without Realy Considering the true Intention thereof, which I take to be as follows,

His Lordship very well Considering, that the Statutes in Generall, not Restrained by words of Locall Limitation, would Certainly be a prejudice to us, Recommended the Re-enacting such as were adapted to our Constitution. There Cannot seem any thing in this, but what is for the good of the Country, and which Indeed moved me to Recomend it this Sessions, But if you do not think fitt so to do Lett the Judges in God's Name Act according to their Conscience as has been the practice and which I shall in no ways hinder.

Gentlemen.

I now Come to the Oath, and must affirm, No Magistrate Can take it, without a Mentall Reservation as to those Statutes, that would be a prejudice to the Country; what a Latitude they may take I Cannot pretend to Determine, and I think oaths of such a Nature are better lett alone than taken. However, since you are so fond of it, If it Comes before me as a publick act, I will pass it

30th Octob^r 1725

Cha: Calvert

An Engrost Bill for the Naturalization of Mich: Ury a L. H. J. Greek was Read and Assented to and was so Endorst, and Sent to the Upper House by M^r Crabb & M^r Gant.

They Return and Say they deliver'd [it]

A Bill for Destroying Squirrells was read the first and p 81 second times by Especiall Order, and the Question being put whether the same shall pass or not it pass'd in the Affirmative, which was so Endorst.

An Engrost Bill in favour of Orlando Griffith and Uxor was Read and Assented to and was so Endorst.

Which Bills were Sent to the Upper House by M^r Warfield and M^r Kirk. They Return and say they delivered them.

The following Message prepared viz:

By the Lower House of Assembly

Octo^r the 30th 1725

May it please Your Honours.

We desire to know whether your Honours will be pleased to join some of the Members of Your House with some of ours to Consider of the Subject Matter of an Address to his Majesty, and to prepare an Address accordingly, and that your Honours will be pleased to Appoint the time and Place of Meeting.

Sign'd p Order Mich: Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by M^r Dashiel and Vachel Denton Esq^r They Return and say they delivered it.

The House adjourns till Monday Morning Nine of the Clock

Monday Novem^r the 1st 1725

The House meets according to Adjournment

Saturday's proceedings are Read.

M^r Gant on his Motion has the leave of this House to go home His Wife being Sick.

Resolved by this House, that his Honour the Governour be allowed Twenty five pounds Current Money for his Expences in treating with the Indians about the Runaway Negroes. And Ordered that the Committee of Accounts allow the same accordingly.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the paper Bills Viz: for Relieving the Inhabitants from some Aggrievances. For the Naturalization of Michael

L. H. J. Ury. In favour of Orlando Griffith and Uxor Severally thus Endorst viz.

By the Upper House of Assembly

Novem^r the 1st 1725

The Engrost Bill whereof this is the Originall is assented to by this House.

Sign'd p Order Geo: Plater Cl. Up: Ho:

And Delivers M^r Speaker the following Message viz:

By the Upper House of Assembly

Novem^r the 1st 1725.

Gentlemen.

You may well percieve by his Lordships Speech Delivered p. 82 to Both Houses of Assembly at the Opening this Sessions that we are not to Expect any Gratuity from his Lordship for our Service as a Councill of State out of the Money Raised for the Support of Government. This obliges us again to apply to you, for what we take to be our just Right for our Service in Councill viz: One hundred and fifty Pounds of Tobacco p Day with Itinerant Charges as usuall which use or Custom we find grounded upon an agreement between the House of Delegates and Governour and Councill in an Assembly held in Sept^r and Octo^r Anno Dni 1694 an Authority not heretofore Quoted or Discovered which agreement Succeeding Assemblies would not Receed from, when the then Governour proposed a Standing Sallary for the Councill in Money but Insisted that the Allowance of One hundred and fifty Pounds of Tobacco p Day was well Settled and so it appears to have been, for we do not find it disputed till very lately.

Gentlemen.

We desire you would Impartially Consider this Affair and then we promise our selves that we shall not be Distinguisht from the Rest of our fellow Subjects by being Obliged to Serve the Publick at our own Expence.

Sign'd p Order Geo. Plater Cl. Up: Ho:

Phillip Lee Esq^r from the Upper House of Assembly Delivers M^r Speaker the Bill for Destroying Squirrells thus Endorst viz.

By the Upper House of Assembly

Novem^r the 1st 1725

This Bill being Read will pass with this Amendment Squir-

rells Scalps or Crows heads instead of Squirrels heads or L. H. J.
Scalps in the Sixth Line with an Addition to the title

Sign'd p Order Geo. Plater Cl. Up. Ho.

Whereupon the same was amended Accordingly and past
for Engrossing.

John Hall Esq^r from the Upper House Delivers M^r Speaker
the following Message Viz.

By the Upper House of Assembly.

Novem^r the 1st 1725

Gentlemen.

Your Message Relating to an Address to his Most Sacred
Majesty leaves us Intirely in the Dark. We therefore Sol-
licite you to Explain your Selves in Express terms on what
particular Head you are desirous some of the members of this
House should join with Yours in Relation to that Matter

Sign'd p Order. Geo. Plater Cl. Up. Ho:

In answer thereto the following Message is prepared, viz:

By the Lower House of Assembly

p. 83

Novem^r the 1st 1725

May it please Your Honours.

We thought it not Improper for the Conferrees to be ap-
pointed to have Communicated the Sence of Each House
Either to other Concerning the Subject of the Address pro-
posed, but since for Reasons we Cannot guess att you decline
this Method it is the Subject of our Late Address to his
Majesty and the great Damages we Suffer by Importation of
Convicts, which we propose to be Considered of, and such
other Matters as may Occurr to the Conferrees which they
may think proper to Refer to both Houses.

Sign'd p Order. Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r Dashiell and M^r
Goldsborough

They Return and Say they delivered it.

The following Message prepared viz:

By the Lower House of Assembly

Novem^r the 1st 1725

May it please Your Honours.

Upon Considering the Bill for Relieving the Inhabitants
&c: we find the Terms of it so generall, that its doubtfull

L. H. J. whether some persons may not unjustly Suffer by it, and therefore Desire your Honours will Consent to the Adding a Clause in the Engrossed Bill to Except Traders and such other persons as in Equity ought to be provided for out of it.
Sign'd p Order. Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by Cap^t Hooper and Cap^t Gordon

They Return and Say they delivered it.

Coll^o Tilghman from the Upper House Delivers M^r Speaker the following Message viz:

By the Upper House of Assembly

Novem^r the 1st 1725

Gentlemen.

In answer to Your Message this Day by Cap^t Dashiell and M^r Goldsborough, many of our Members being this Morning out of Town, as soon as a Sufficient Number shall appear, we will appoint two of our House to join such Members of your House as you shall think fitt in a Conference on the Subject Matter therein Mentioned and give Notice Accordingly.

Sign'd p Order Geo: Plater Cl: Up: Ho:

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the following Message viz:

By the Upper House of Assembly

Novem^r the 1st 1725

Gentlemen.

p. 84 This House agrees with the proposall made in your Message by Cap^t Hooper and M^r Gordon, Relating to the Clause to be added to the Bill for Relieving the Inhabitants from some Aggrievances therein mentioned.

Sign'd p Order Geo. Plater Cl. Up: Ho:

The following Message Prepared viz:

By the Lower House of Assembly.

Novem^r the 1st 1725

May it please Your Honours.

We Cannot but admire at your Honour's Still being of Opinion that the Laws now in force Sufficiently provide against the Evils desired to be Remedied in Our Bill directing the Disposall of Servants &c: Were there not Instances

given you now of two persons now in Goal, who Cannot be L. H. J.
Released without Endangering his Majesty's peace, nor Can
be kept Confined without burthening the Sheriff with their
Maintainance, and the Masters with Totall Loss of their Ser-
vants, we might think Your Honours were only Mistaken in
the Case; but since the Law you mention Relating to Crim-
inalls fees nor any other Law we know of any ways provides
against the Inconveniencies we give your Honours a present
Instance of, and that those persons Committed Can't be Re-
stored to their Liberty without Violent Infringement of that
Right the people have by the Statutes of England and his
Lordships Charter, to have the Publick Peace Secured to
them, and that the Masters have no benefitt of their Servants
Labour whilst Imprisoned, nor Can they Sell them from the
Sheriffs Custody whilst they are by Legal Commitment to
be kept there, we Cannot but think Your not Assenting to this
Bill must proceed from other Motives, than what you are
pleas'd to mention to us. If there be any Remedy provided
in this Case Your Honours have not Shewn us by what Law,
nor have the Magistrates or the parties Concerned had any
known benefitt of such Remedy nor are we able to find one
for them, from any the Laws now in force tho': Your
Honours are pleas'd to Suppose one. If therefore the Remedy
be such a one as is unknown or Impracticable it deserves not
the Name of Remedy but gives Sufficient Grounds for such
a Bill as we propose, But if Notwithstanding the Clearest
Demonstrations of an Evil, without a Remedy, you Refuse to
joyn with us in a Remedy, we shall desire you to Consider how
far in Such a Case Each House Acts according to their Duty
in this Legislature.

Sign'd p Order Mich: Jenifer Cl. Lo: Ho.

Which was Sent to the Upper House by Cap^t Harrison
and M^r Tilden. They Return and Say they delivered it.

An Engrost Bill for destroying Squirrels and Crows, was p. 85
read and Assented to, and was so Endorst and Sent to the
Upper House by M^r Pemberton and M^r Tilden.

They Return and Say they delivered it.

The following Message is prepared viz:

By the Lower House of Assembly

Novem^r the 1st 1725

May it please Your Honours.

As we hope this Sessions is drawing near an End we beg
your Honours will be pleas'd to dispatch the Bill for Limita-
tion of Officers fees as soon as Conveniently you Can, that

L. H. J. if your Honours shall see proper to pass it both Houses be not detained purely for Engrossing it.

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the upper House by M^r Dashiell and M^r Wilmore.

They Return and say they delivered it.

The Bill for Reviving the Act for better Relief of Poor Debtors was read the first and second times by Especiall Order and past which was so Endorst and Sent to the Upper House by M^r Hawkins and M^r Willmore

They Return and Say they delivered it

A Bill to Restrain the Ill Practice of Attorneys was Read the first and second time by Especiall Order and past which was so Endorst and Sent to the Upper House by Coll^o Mackall and Coll^o Greenfield

They Return and Say they delivered it.

Phillip Lee Esq^r from the Upper House delivers M^r Speaker the Bill Reviving the Act for Relief of poor Debtors thus Endorst Viz.

By the Upper House of Assembly

Novem^r the 1st 1725

Read and will pass

Sign'd p Order Geo. Plater Cl. Up: Ho:

Thereupon the same pass'd for Engrossing

And Delivers the paper Bill of the Engrost Bill for destroying Squirrels and Crows &c: Thus Endorst Viz:

By the Upper House of Assembly

Novem^r the 1st 1725

The Engrost Bill whereof this is the Originall is Assented to by this House

Sign'd p Order Geo: Plater Cl. Up: Ho:

The House Adjourns till to Morrow Morning Nine of the Clock

p. 86

Tuesday Novem^r the 2^d 1725

The House meets according to Adjournment.
Yesterdays Proceedings are Read

The following Message prepared viz.

L. H. J.

By the Lower House of Assembly

Novem^r the 2^d 1725

May it please Your Honours.

The force of the New Authority your Honours Quote to Justify your Claim of One Hunderd and fifty pounds of Tobacco p day for attending private Councils has been in our first Debates Sufficiently Refuted, That being at a time when the Crown had the Government and when the Revenue was wholly Settled for the Support of the Government and not as it is now for the like Support, and Such other Necessary uses of Government as to his Lordship Should seem meet. We pray you will be pleas'd to be referred to our Message of the 25th October 1723, as you will readily find it in your printed proceedings page 32: and you [may] thereby percieve how little Cause you have from this new found proceeding to Renew your Claim

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the [Upper] House by Coll^o Ward and Major Maldin

They Return and Say they delivered it.

The following Message Prepared viz.

By the Lower House of Assembly

Novem^r the 2^d 1725

May it please Your Honours.

In pursuance of our Message to Your Hon^{rs} of this day by Cap^t Hooper and M^r Gordon we propose to Your Honours the following amendments of the Bill for Relieving the Inhabitants the adding these words (which have arisen or become due since 25th Decem^r 1722) in the seventh Line after the Words for Levy's or fees, and these words which hath arisen or become due since the time aforesaid in the tenth Line in the Room of the Words due before the 11th May 1725 and these words unless such Sheriff Voluntarily purchased such fees of such Attorney or Officer after these Words in the 16th Line Attorney or Officer, and the adding the following proviso, that Nothing in that Act Contained Shall be Construed to prejudice any Merch^t or other person trading to and from this province who has Actually bought and paid for any Tobacco, To which amendments we hope Your Hon^{rs} will Consent

Sign'd p Order Mich: Jenifer Cl. Up. Ho:

L. H. J. Which was sent to the upper House by M^r Gale and Vachel Denton Esq^r

They Return and Say they delivered it

The Bill for Ascertainning the form of the Oath of Judge was Read the first and Second time by Especiall Order and past, which was so Endorst and Sent to the Upper House by M^r Crabb and M^r Gale

They Return and say they delivered it.

An Engrost Bill for Reviving the Act for the Better Relief of Poor Debtors, was Read and Assented to, and was so Endorst, and Sent to the Upper House by Cap^t Dent, and M^r Pemberton.

They Return and Say they delivered it.

Phillip Lee Esq^r from the Upper House delivers M^r Speaker the Bill for Limitation of Officers fees thus Endorst viz :

By the Upper house of Assembly

Novem^r the 2^d 1725

This Bill will pass with the amendments proposed in the Message herewith Sent

Sign'd p Order Geo. Plater Cl. Up. Ho:

And delivers the Message accordingly viz:

By the Upper House of Assembly

Novem^r the 2^d 1725

Gentlemen.

Upon Reading and Considering the Bill for Regulating Officers fees, we are of Opinion that the fees for Searches are not Sufficient and find that the fee to the Secretary for Recording pattents is omitted and these words (do not) in the 11th Line of the third folio are wanting which we think proper to be Incerted.

We apprehend that all Special Warrants and the Matters that depend thereon, Issuing out of his Lordships Land Office ought not to be Regulated being due to the Secretary as his Lordships private Officer in that Respect, and not Subject to any Alteration by the Legislature.

We Can't help thinking that half fees to the General Com^{rs} for Estates under Twenty Pounds, will be an Ease to such Estates, and Sufficiently Lessen the Profits of that office, and find no fees Settled by Law for Searches therefore think it proper such fees should be Incerted.

We are further of Opinion that the Trust by this Bill Re- L. H. J.
posed in the Deputy Commissarys is much too great for their
abilities, and the Security by them given, therefore Recom-
mend the Omitting that whole proviso.

And we further observe that this Law is design'd to Con-
tinue for one Year only, and that the Reenacting the same
at the end of so short a term will be too great a Charge to
Burthen the Country with which may well be prevented by p. 88
Continuing the said Law for the usual term of three Years.

With the above alterations and amendments this Bill will
pass.

Sign'd p Order. Geo. Plater Cl. Up: Ho:

The following Message Prepared viz.

By the Lower House of Assembly

Novem^r the 2^d 1725

May it please Your Honours.

To Confirm the Instances we have given you, of the In-
conveniencies this Province at present Labours under for
want of Such a Law as what we propose for the Selling Ser-
vants Imprisoned, we herewith send your Honours for your
Perusall an Account of Imprisonment fees for the two Ser-
vants now in prison, Amounting to betwixt Ten and Eleven
Thousand pounds of Tobacco. This Sum has arose due for
want of such a Law, as we now Propose for the Selling them
in time, whereby the Sheriff might have been paid his fees
without Burthen to the publick and the Master have had the
Overplus, and the Servants their Liberty in some part of the
World, where there Liberty would be less dangerous to the
Community than here. We therefore desire your Honours
further Consideration of that Bill

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r Waughop and
M^r Skinner. They Return and say they delivered it

John Hall Esq^r from the Upper House delivers M^r Speaker
the following Message viz.

By the Upper House of Assembly

Novem^r the 2^d 1725

Gentlemen.

We agree to the amendments proposed to the Bill for Re-

L. H. J. lieving the Inhabitants &c: in Your Message by Cap^t Gale and Vachel Denton Esq^f

Sign'd p Order Geo: Plater Cl. Up: Ho:

Thereupon the Bill is amended accordingly and past for Engrossing.

Coll^o Tilghman from the Upper House delivers M^r Speaker the paper Bill for the Better Relief of poor Debtors, Thus Endorst viz.

By the Upper House of Assembly

Novem^r the 2^d 1725

The Engrost Bill whereof this is the originall is assented to by this House

Sign'd p Order Geo: Plater Cl. Up: Ho:

p. 89 And delivers the following Message viz.

By the Upper House of Assembly

Novem^r the 2^d 1725

Gentlemen.

The Reason you give for the Reasonableness of the allowance of 150^t Tob^o p Day for the Attendance of the Private Councill under the Crown viz: That the whole Revenue for Support of Government was otherwise applyed does still Evidently Subsist, for we have no Possibility of Coming at any part of the money Raised for Support of Government, therefore it is Reasonable some other Provision should be Made for us. The Message You are pleas'd to Refer us to of the 25th Octo^r 1723 in Your (not our) printed proceedings no ways Convinces us of the unjustness of our Claime, but Rather than delay the Publick business at this time by Contending (tho for an Equitable Right) with an Obstinate People, we shall Refer further debates thereon to another Opportunity.

Sign'd p Order Geo: Plater Cl. Up: Ho:

Philemon Lloyd Esq^f from the Upper House delivers M^r Speaker the following Message viz:

By the Upper House of Assembly.

Novem^r the 2^d 1725

Gentlemen.

On Considering your Messages of the first and second of Novem^r Relating to two Servants Comitted some time agoe

to the Common Goal of Annapolis, and the Law proposed for L. H. J. Relief therein, we are of Opinion that where the Remedy proposed for the Redress of any Evill, appears to be more Mischievous than the Evill it Self, Common Prudence adviseth the avoiding all such Remedies as hurtfull to the Publick for the Mischiefs of Confining Servants so long without bringing them to a Legall Tryall, Evinceth the Mistake of the Magistrate, or the Innocency of the parties Committed; for if any Law for Committing them, the same Law without doubt had made provision for their Punishment, but if the President now before us should give Rise to a Law for Relief in like Cases: we are apprehensive that the Servants of Many the good people of this Province would Stand Committed for very trifling Matters, and Sometimes for nothing at all, and generally Subjected to the Complaints of Malicious Neighbours, who may be born away with a Design of Injuring the Masters Rather than any design of Punishing the Vice of the Offender an Evill which we Cannot Consent to bring upon the Inhabitants of this Province, By passing a Bill of so Extraordinary a Nature, may Carry more Evill Consequences with it than we at present Can be aware of.

Sign'd p Order Geo. Plater Cl. Up: Ho:

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Bill to Restrain the Ill practice of Attorneys thus p. 90
Endorst viz:

By the Upper House of Assembly

Novem^r the 2^d 1725

The fees in the County Courts as Usuell four Hundred pounds of Tobacco (besides the provinciall fee) for Riding the Circuit and these Words if a Quaker to be Incerted after the Word Affirmation and the Act to be made for three Years With these amendments this Bill will pass.

Sign'd p Order Geo. Plater Cl. Up: Ho:

Phillip Lee Esq^r from the Upper House delivers M^r Speaker the following Message viz:

By the Upper House of Assembly

Novem^r the 2^d 1725

Gentlemen.

This House does appoint Philemon Lloyd Esq^r and Coll^o Richard Tilghman to Conferr with such Members as your

L. H. J. House shall appoint at the House of M^r Fran: Bowes on the Subject of the Late address to his Most Sacred Majesty and the great Damage we Suffer by the Importation of Convicts, but as to any other Matters that you hint at in your Message we think it Improper to Enter into a Conference thereupon not knowing the Subject Matter thereof Especially Considering the Sessions so near a Conclusion.

Sign'd p Order Geo: Plater Cl. Up. Ho.

Thereupon M^r Stoddart Coll^o Mackall, M^r Bordley and Coll^o Greenfield are appointed to join the Gentlemen appointed by the upper house.

And the following Message is prepared thereto

By the Lower House of Assembly.

Novem^r the 2^d 1725

May it please Your Honours.

This House have Appointed James Stoddart John Mackall and Tho: Bordley Esq^r and Coll^o Tho: Truman Greenfield Members thereof to join Philemon Lloyd Esq^r and Coll^o Richard Tilghman in a Conference who are Ready to attend at the place proposed in your Message on that head

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r Stoddart and Coll^o Mackall. They Return and Say they delivered it.

John Hall Esq^r from the Upper House delivers M^r Speaker the paper Bill for Relieving the Inhabitants &c: thus Endorst viz.

p. 91

By the Upper House of Assembly

Novem^r the 2^d 1725

The Engrost Bill whereof this is the Originall is read and Assented to by this House

Sign'd p Order Geo: Plater Cl Up: Ho:

The following Message Prepared Viz.

By the Lower house of Assembly

Novem^r the 2^d 1725

May it please Your Honours.

We find by your Message of this Instant that you are of Opinion because you Cannot possibly Come at any part of the Money (which is Evidently) raised for your Support,

we ought to make some other provision for you. This would L. H. J. Indeed be agreeable to your Interest and perhaps your Consciences, but not [at] all agreeable to our Duty. We have done our Duty in Raising a Sufficient Support for all the Necessary uses of Government, and are under no ties of Duty to raise More because those that are raised, are not apply'd to your good Liking. Once paid well paid: his Lordship who Employs you is paid by the people, and 'tis no less than Unreasonable for you to Insist on further demands from the people for the Same Service.

We Cannot Guess to what degrees of unhandsome and Insulting Usage you would grow to in Your Messages to us if we should Continue to pass by this your Last with the like disregard and tameness that we did your former of the 28th and 29th of Oct^r Last.

We hoped that tho you were pleas'd to treat the Lower house in 1723 by your Message of the 26th of that October at the Close of their Sessions, with Questioning whether they were in their witts or not, who to avoid Unnecessary debates gave you no Answer, and tho' you were pleas'd at the Close of Last Sessions to treat that house with Language better dropt than Copy'd after, and tho you have been pleased this Sessions to declare your Sentiments against unnecessary Debates yet you now seem Resolved to Lay us under the Dilemma of Spending time in Shewing you how you Derogate from Your Sometime boasted Superiority in good Manners or of Submitting to such treatment as would demonstrate us Unworthy the trust our Country places on us, and a Sett of Men Void of all Sence of Honour or Just Resentment. Please to Consider again Your Messages, and Since in a former Assembly you were pleased to declare Good Manners Inseperable from an Upper House please to Judge if you have not given us Cause to Question whether you be an Upper House or not after your parting with what your Selves have declared so Eminent a Characteristic of it. We shall be very desirous not only of Deferring but avoiding all future debates with You, unless you are pleas'd to join a Meeker temper to your Correspondence with us. This we give you to advise upon, and assure you your Reproaching us with being Obstinate Shall never Divert us from being Resolute in our Duty nor Maintaining the Character due to our Station.

Signed p Order Mich: Jenifer Cl Lo: Ho:

Which was sent to the Upper House by Coll^o Herman and M^r Courts. They Return and Say they delivered it.

L. H. J. The following Message Prepared viz:

By the Lower House of Assembly

Novem^r the 2^d 1725

May it please Your Honours.

Your Message of this Instant Concerning the Bill that Relates to Servants Imprisoned is so very foreign to the Subject under Consideration betwixt us, that we are persuaded you only Sent it to let us know that you would not trouble your selves further with us about it. You seem to be of Opinion that no Servants Can be Committed but what must be for some Crime tryable, and that none Could be Committed as persons of Evil fame by the Discretion of the Magistrate. Give us leave to say if this be your opinion it is a most pernicious one to the Country's peace and Destructive to the fundamentall Security of Every Inhabitant, and an Obstruction to that preventative Justice which you seemed lately to Esteem, and is directly opposite to the Statutes and practice of England for preserving the Peace and good behaviour and Contrary to the Duty of every Magistrate; we therefore leave all the Ill Consequences of Your Conduct in this part, to your further Consideration.

Sign'd p Order. Mich: Jenifer Cl. Lo. Ho:

Which was sent to the Upper House by M^r Kirk and M^r Smith They Return and Say they delivered it.

This Sessions being near a Conclusion the further Consideration of the Address to his Honour the Governour Relating to the Election of Sheriffs is Referred till next Sessions.

The House adjourns till to Morrow Morning Nine of the Clock.

Wednesday Novem^r the 3^d 1725

The House Meets according to Adjournment

Yesterdays Proceedings are Read

The following Message prepared viz:

p. 93

By the Lower House of Assembly

Novem^r the 3^d 1725

May it please Your Honours.

On perusing and Considering Your Message of this Day in Relation to some amendments you propose in the Bill for Regulating Officers fees, we Cannot think that the fees for searches are at all too Little, for it is a Business in the Office

thats done with as little, if not the least Trouble of any in L. H. J. proportion to its Reward, Especially when those that apply for Searches bring Regular Instructions, and thats every one's Case to do, or they must take the Consequence. The fee to the Secretary for Recording patents, we presume your Honours have over lookt, for it is mentioned in Express Words on the Top of the 5th Sheet in the Bill, and the words (do not) in the 11th Line of the 3^d Sheet as also the fee for Searches in the Commissarys Office are now Incerted which before were Omissions.

The Reasons against the Extravagant fee for Special Warrants appears pretty Clear in the answer of the Lower House of the 31st Octo^r 1724 to your Message of the same Date in the Printed Volume of Our proceedings (since you are pleas'd to Disown them) page 57 Together with the great Burthen of fees that the purchasers are loaded with, and the price of Lands being doubled since the Revolution, we must needs think would have given a Totall Obstruction to the purchasing and taking up of back Lands, had not the Rise of Tobacco, and great Expectations that Lands would Rise proportionably, as it usually does, given unexpected life to it. We therefore think his Lordships Interest and the peopling and Improving the frontier parts of the Province, are much Concern'd in this Affair and no Injustice Can be say'd to be done to his Lordship by it, who has no part in that fee, Nor any to the Officer, who without that 400^t Tobacco, has a Large fee, and more than the Value of his Service, Settled on him by the Bill as it is now proposed.

As there is an Absolute Necessity for Distinction to be made in the Commissarys' fees, between those of Large and small Estates, so we Cannot think but half fees to them in Estates of fifty Pounds as mentioned in the Bill is as well Settled as Can be, for Were it to Effect only Estates under twenty Pounds, the fees that must Necessarily Accrue to the Commissarys will when Tobacco bears a Large Price in the Country Sink so deep into such an Estate, that it would Sweep away the greatest part of it, for taking Care of the Rest.

We Cannot find any Necessity for Special Commissions in Generall to Issue to the Deputy Commissarys for passing Accounts above fifty pounds, as heretofore, and as it would Certainly be of Great Ease to the People to have their Accounts of Deceas'd Estates made up and past in their County, and the person passing them being under the same Obligacōn Of Returning such Accounts and in all Respects doing his Duty p. 94 therein as in Case of Accounts of Estates under fifty Pounds,

L. H. J. we Cannot think but the Deputy Com^{rs} passing such Accounts where no Doubt or Controversy arises, will be as well as if he had a Com^{ision} from the Office Empowering him thereto Especially since those Accounts will still be Subject to the same Contest of all Interested parties, as the Acco^{ts} now are which are past by the Commissary Generalls and therefore must desire you to pass the Bill with that proviso as it stands therein.

We propose the Continuance of the Act as it now Stands in the Bill and presume at the Years End the Drawing a Reviving Bill will not take up much time or be so great a Charge to the Country but that they may bear with it.

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by Cap^t Harrison and M^r Wright. They Return and Say they delivered it.

The Journall of the Committee of Accounts was Read and Assented to and was so Endorst and Sent to the Upper House by the Gent^{ra} of the Committee. They Return and Say they Delivered it.

Coll^o Tilghman from the Upper House delivers M^r Speaker The Bill for Officers fees with the following Message Viz:

By the Upper House of Assembly

Novem^r the 3^d 1725

Gentlemen.

On Reading your Message this Day by Cap^t Harrison and M^r Wright Relating to the Bill for Regulating Officers fees we find no Reason to Receed from our amendments heretofore proposed without which this Bill will not pass.

Sign'd p Order Geo. Plater Cl Up. Ho:

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the following Message viz:

By the Upper House of Assembly

Novem^r the 3^d 1725

Gentlemen.

We Cannot see any more unreasonableness in Expecting an Allowance from the Publick for our attendance on the Country's Service in Councill, than for the Representatives in time of Assembly. Each have their Distinct Offices tho: both Act for the Publick Weal of the Country nor Can we see

any Reason why the bare mention of Your Obstinate Ad- L. H. J.
herence to your former Opinions should Superinduce such a
heavy Charge as you are pleased to Lay at our Doors of an p. 95
unhandsome and Insulting Usage. We are at a loss to find
any thing of that Nature among the publick proceedings, un-
less it be in Your own Messages where upon many Occasions
you are very Liberall of such Usage and particularly in that
of the 28th of Oct^r Last wherein you are pleased to give us the
Characteristick of Assistants only to the Prerogative in whom
the people place no Confidence, But we Can very truly say
whatever Opinion Your House or the People may have of
us that we are by Office and Inclination as hearty well wishers
to the Common Weal of this Province as any of Your House
and for that Reason do not think we deserved so gross a
Reflection upon the Integrity of this House as the bare Ques-
tioning the Security of the Bills with us when prepared for
the Assent, which Yet we are assured you will find very
Safely preserved in our Hands; nor could we Imagine that our
declining any further Debates upon the Subject of the Councell
allowances Rather than to prolong the Sessions Could have
Inflamed your House to such a Degree of Unhandsomness
as to fill a long Message with Reflections, upon the Subject
of using the Word Obstinate which we think however to
have been very properly Apply'd to the Substance of your
Message, wherein you tell us that a Support was evidently
Raised for us, yet Confess in the same Message (as also in the
Message of Octo^r the 25th 1723) that we Cannot possibly
come at it.

Sign'd p Order Geo: Plater Cl. Up: Ho:

The following Message prepared Viz.

By the Lower House of Assembly

Novem^r the 3^d 1725

May it please Your Honours.

It is thought proper by this House in order to the Dispatch
of Business to Inform your Honours, that the Bill for Limi-
tation of Officers fees for the Reasons already given will not
pass any otherways than as it now Stands.

Sign'd p Order Mich: Jenifer Cl: Lo: Ho:

Which was sent to the Upper House by Coll^o Greenfield and
M^r Crabb.

L. H. J. They Return and Say they delivered it.

Phillip Lee Esq^r from the Upper House delivers M^r Speaker
the following Message viz:

By the Upper House of Assembly

Novem^r the 3^d 1725

Gentlemen.

The Bill for Limitation of Officers fees, with the Amend-
ments proposed by us is in favour of the People of this Prov-
p. 96 ince near a fourth part of the former Regulation but since you
do not think fitt to pass it upon those terms, the fault is not
ours, nor will the Consequence if prejudiciall to the people
Lye at our Doors.

Signed p Order Geo. Plater Cl. Up. Ho:

The following Message prepared Viz:

By the Lower House of Assembly

Novem^r the 3^d 1725

May it please Your Honours.

We have Read and Considered the Report of the Con-
ferrees in Respect to Cap^t Riders affair, and are of Opinion
the Paragraph in the Late Law made 1723 Concerning the
Indians Lands, Relating to the said Rider ought to be Re-
pealed, and the said Rider Remain in the same Circumstances
as he did before the Making that Law, and therefore we do
not Concurr with that Report or at least to make the said
Rider such Satisfaction as might be thought Reasonable for
his pretension to the said Land.

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r King and Cap^t
Hooper.

They Return and Say they delivered it

The House adjourns till to Morrow Morning Nine of the
Clock.

Thursday Novem^r the 4th 1725

The House meets according to Adjournment

Yesterdays Proceedings are Read.

John Hall Esq^r from the Upper House Delivers M^r Speaker

the Bill for Ascertaining the form of the Judges Oath, Thus L. H. J. Endorst viz.

By the Upper House of Assembly

Novem^r the 4th 1725

This Bill read and will pass.

Sign'd p Order Geo: Plater Cl. Up: Ho:

The House proceeds to Tax the fees on the following Bills, viz:

	† s. d.
On the Bill in favour of M ^r Samuel Dickinson	
To the Hono ^{ble} Robert Ungle Speaker	1: 0:0
To the Clerk	0:10:0
On the Bill in favour of M ^r Alex: Contee	
To the Hono ^{ble} Robert Ungle Speaker	5: 0:0
To the Clerk	2:10:0
On James Moores Bill	
To the Hono ^{ble} Rob ^t Ungle Speaker	1: 0:0
To the Clerk	0:10:0
On John Speakes Bill	
To the Hono ^{ble} Rob ^t Ungle Speaker	1: 0:0 p. 97
To the Clerk	0:10:0
On Mich: Ury's Bill	
To the Hono ^{ble} Rob ^t Ungle Speaker	1: 0:0
To the Clerk	0:10:0
On Orlando Griffiths Bill	
To the Hono ^{ble} Rob ^t Ungle Speaker	1: 0:0
To the Clerk	0:10:0

An Engrost Bill to Restrain the Ill practices of Attorneys was Read and Assented to, and was so Endorst, and Sent to the Upper House by Cap^t King and Cap^t Hooper.

They Return and say they delivered it.

Phillip Lee Esq^r from the Upper House Delivers M^r Speaker the paper Bill to Restrain the Ill Practices of Attorneys thus Endorst viz:

By the Upper House of Assembly

Novem^r the 4th 1725

The Engrost Bill whereof this is the Originall is Assented to by this House

Sign'd p Order Geo: Plater Cl: Up: Ho:

L. H. J. Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Journall of the Committee of Accounts, with the following Message viz:

By the Upper House of Assembly

Novem^r the 4th 1725

Gentlemen.

Whether our Message of Novem^r the 2^d Concerning the Bill Relating to the Imprisoned Servants be foreign to the Subject under Consideration betwixt us or not, we shall not at this time enter into any further debate with you but if you believe us to be of Opinion that Servants in this Province, tho Suspected of some misdeamenours are not in prudence and Discretion to be lookt upon as persons of Ill fame, within the meaning of the Statutes, and to be proceeded ag^t accordingly, you are in the Right, for we are so, for the following Reasons 1st persons of Ill fame in Generall, are such Who are at their own disposall, and have no place of Residence, nor Can give a good Account how they Subsist; against those the Laws do well provide, but Servants here are not such, for they have a being, and are not at their own disposing, but are the property of their Masters, and if their Masters should be obliged to be Security for the behaviour of their Servants, no man would be Secure of his property, in such Servants, for either thro the Inclinations of the Servant to Change his Master, or the Designs of an Ill Neighbour or the Resentments of a Prejudiced Magistrate (for such there may be) they might be taken up as persons of Ill fame, and then the Master must Change Circumstances, with his Servant or lose him, for if he becomes bound for his good behaviour, he must not Disoblige him, and if he does not the Consequence is obvious. 2^{dly} Persons of Ill fame in particular are such as have Committed some Crime for which they may be prosecuted, and in this Case Servants are not Exempt, but may be Imprisoned, prosecuted, Convicted, and punished, and in such Cases we have an Act of Assembly that particularly provides for their Inlargement, and sure it is worthy our Consideration that that act has so great a Regard to the property of the Master, that it does not Require Security for his Servant (even after Conviction) Much less Reason is there, that they should be Obligated to give it upon Common fame nor Can we foresee of what pernicious Consequence our Coming into the Measures by the Bill proposed would be, since it Remains a Doubt with this House, whether the peace and property of his Lordships Tenants would not Rather thereby be Infringed, than pro-

p. 98

moted, wherefore we hope the Ill Consequences Charg'd (as L. H. J. we think unjustly) on us will lye Rather at the Doors of those who have too precipitately taken upon them to Commit persons, who had already Suffered for Crimes formerly Committed, without being guilty of any New Transgression .

Sign'd p Order Geo. Plater Cl Up: Ho:

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the following Message viz:

By the Upper House of Assembly

Novem^r the 4th 1725

Gentlemen.

Upon Considering Your Message Yesterday by Cap^t King and Cap^t Hooper Relating to the Report of the Conferrees upon the Subject of the Indian Lands, we do not find any Paragraph in the Act of 1723 granting Indian Possession which Relates to Cap^t Rider in particular he being upon the same foot with others who had Lands Surveyed within those Indian Limitts but if by Repealing a paragraph of the Late Act, you Intend only that the Indian Possession by the Late act should lye under the Like limitation as the same was heretofore limited by a proviso in the Act for Ascertaining the Bounds of a Certain tract of Land to the use of the Nanticoke Indians &c: we shall acquiesce the Differences in the Limitations to us appearing very small if any at all; for an Estate to those Indians, and their Heirs and Successors for ever, by the Act of 1698, with a Limitation only to the time of their deserting and leaving the same appears to us to be little Inferiour to the Estate granted by the Late Act for and during the time they or any of them shall think fitt to use, and not wholly and Totally desert and Quitt Claim to the same; But inasmuch as many Complaints of Disturbance by the English had been made to the Governour the Legislature in prudence thought it not only Proper but very Necessary to Enact a free peacable and uninterrupted possession of that Tract to those Indians, But if your House Think the Repealing of the Limitation in the Late Act and Leaving the Nanticoke Indians Right of Possession under the same Restriction and Limitation it was after the time of making the Act of 1698 aforesaid to be of Right to Capt Rider, we shall very willingly Gratify you therein, But seeing that the Session seems to be upon the Close, we propose the Repealing of the said Paragraph to be Referr'd to the Next Sessions of Assembly. p. 99

Sign'd p Order. George Plater Cl. Up: Ho:

L. H. J. Whereupon the same is Referred Accordingly.
The House adjourns till to Morrow Morning Nine of the
Clock

Friday Novem^r the 5th 1725

The House meets according to Adjournment Yesterdays
proceedings are Read.

The following Message prepared Yesterday viz:

By the Lower House of Assembly

Novem^r the 4th 1725

May it please your Honours.

There would be no more unreasonableness in your Expecting another allowance from the publick, than in Ours, if we had one allowance already, Raised for us by the Country, and Expected another as you do. If you be at a Loss to find unhandsome Usage in your own Messages towards us, It must at least be owing to your forgetfulness or oversight. It seems even by your Message of Yesterday, as if you thought the treatment we Complained of before, as unhand- some and Insulting, was yet too good for the Representatives of Yourselves and the people in this Legislature, or otherwise we cannot think you would have so Considerately In- sisted, that we deserved the Character you gave us, of being an Obstinate People, and Obstinate adhering to our Opin- ions. If you had Intended to Express your Selves in a parlia- mentary Way, we are sure you might have found Softer Terms, but if you were Resolved to Stir Dissention you could not well have Chosen Rougher to Express your Sence in. We Complained of this, as Ill Treatment in Your former, But now by this Message, Your Correspondence it Self becomes Vexatious. You fully Satisfye us by your Latter, that when in Your former Message you seemed Displeas'd with us, for saying You were only Assistants to the Prerogative, it was not a Mistake, which we at first Neglected as one, but by your more Considerately Reflecting on it, and Repeating the same thing in Yesterdays Message, we have Reason to be- lieve you design'd it as an occasion of Difference. In your Message of Octo^r the 29th last you Construe our words and say they Imply that you went about to hinder us from pre- ventative Justice, and then you use this Construction of your own as a foundation whereon you build abundance of Accu- sations aga^t us but in the Message of 28th October Last, p. 100 Seconded by Yesterday's, You are not Content to Construe our Message as best Suits Your Temper, but you are pleas'd

to add a word of your own to it and from that very word of L. H. J. your own adding, you take Occasion to accuse us. We said in our Message you were Assistants to Prerogative. Had we said you were not, no Doubt you would have been Offended, but we happened to be so happy in our Expression that you Could find no Cause to Cavill with us on it, without adding the Word (only) to it, therefore not to Slipp an Opportunity of Wrangling with us, you are pleas'd to Add the Word (only) Charging us with Saying you were only Assistants to Prerogative, and from that very Word you Multiply Accusations. Does this Look like friendly dealing with us or pursuing the Business of the Country? or do's it Rather tend to Confound it? Is it agreeable to your proposall of Avoiding Unnecessary Debates? or Rather an Indication that you are Resolved not to do your Duty as an Upper House untill you should be wrongfully paid as Councillors by your Country; as you Misrecite one of our Messages in two of Yours by an Interpolation of the Word (only) in it, so you do likewise in the Message you now Complain of, as well as in that of Octo^r 1723, where you say, We Confess you Cannot possibly Come at the Support Raised for you; If you Can find any words in those Messages that will bear such a Construction, you have some pretence of Justice in your Charge but as there are none such, Your Usage is Unfair and tends only to Involve us in tedious Searches after the truth of what you argue from. You are appointed and Intrusted by prerogative, We by the people. Give us leave to make the Distinction and to Mind the Discharge of our own Trust in Relation to the Bills we propose, which we Expect to be sent us from Your House According to Your Promise, that we may be Ready to Close the Sessions. We are Resolved to take what further from you your Sense of good Treatment will allow you to Offer to us, That no pretence of Delay in the Dispatch of Business may lye at our Doors.

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r Crabb & M^r Courts.

They Return and Say they Delivered it

The following Message Prepared viz:

By the Lower House of Assembly

Novem^r the 5th 1725

May it please Your Honours.

We desire to know whether Your Honours will Concurr with us in allowing a Sume of Money to an Agent to be ap-

L. H. J. pointed by this House for the presenting the Addresses of
p. 101 this House, and the Representing and Soliciting such their
Grievances in Great Brittain, as are not Redress[ed] on
their proper Application here and generally to Negotiate
any Affairs there that may be found necessary by this House
for the Interest and Safety of the freemen of this Province
Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by Coll^o Harriss and
five others

They Return and say they delivered it.

John Smith of Annapolis Carpenter having Affronted some
of the Members of this House that were sent to him to En-
quire why the work by him to be done to the Provinciall
[Library], is not finished, and for that the said Smith had
formerly Curst the said House

Ordered that the Serjeant take the said Smith into his Custody
Thereupon the said Smith in the Custody of the Ser-
jeant appears at the Barr, and Saith Nothing Materiall in
his Excuse.

Resolved that the said Smith be fined 20 / Current Money
and pay to the Clerk 5 / to the Serjeant and Door keeper 2/6
Each and begg the pardon of the House and that he be in the
Custody of the Serjeant till he Comply's therewith

The said Smith having Comply'd therewith Appears and
beggs pardon for his Offence and thereupon he is Discharged.

The Report of the Comittee of Aggrievances on M^r Fran-
cis Hollands Petition, was Read and this House Concurr
therewith, and Refers the further Consideration thereof till
Next Sessions.

An Engrost Bill for Ascertaining the form of the Oath of
Judge or Justice was Read and Assented to and was so En-
dorst and Sent to the Upper House by M^r Dashiell and M^r
Pemberton. They Return and say they delivered it.

Coll^o Tilghman from the Upper House delivers M^r Speaker
the Paper bill last mentioned thus Endorst

By the Upper House of Assembly

Novem^r 5th 1725

The Engrost Bill whereof this is the Originall is Assented
to by this House.

Sign'd p Order Geo: Plater Cl. Up: Ho:

And delivers the following Message viz:

L. H. J.

By the Upper House of Assembly

Novem^r the 5th 1725

Gentlemen.

We desire that you would send two of the Members of Your House if you think fitt to see the Laws Sealed that hath p. 102 hitherto passed the two Houses that they may be sent to Your House in Order to be presented to the Governour for his Assent at the Close of the Sessions.

Sign'd p Order Geo. Plater Cl. Up. Ho:

Thereupon John Beale Esq^r and Cap^t Hooper are sent accordingly who Return and deliver M^r Speaker the severall Engrost Bills sealed.

The House adjourns till to Morrow Morning Nine of the Clock.

Saturday Novem^r the 6th 1725

The House meets according to Adjournment. Yesterday's Proceedings are Read.

On a Motion being made the Question was put whether the Bill for Officers fees shall be amended according to the Message of the Upper House or not? Carried in the Negative.

The further Consideration of the Transcribing the Records is Referred till next Sessions.

Forasmuch as William Vanhaesdonk Riddlesden als Cornwallis has not Surrendered himself to the Justice of this Province in order to try the Validity of sundry forged Deeds according to the Act of Assembly last Sessions made in order to give the said Riddlesden further time before the passing another Act ag^t him The Consideration thereof is Referred till next Sessions.

Phillip Lee Esq^r from the Upper House Delivers M^r Speaker the Journall of the Committee of Accounts, Thus Endorst viz:

Novem^r the 6th 1725

Read and Assented to by The Upper House of Assembly

Sign'd p Order Geo. Plater Cl Up: Ho:

The following Message is prepared viz:

By the Lower House of Assembly

Novem^r the 6th 1725

May it please Your Honours.

This House does appoint John Beale and Vachel Denton

L. H. J. Esq^r to be joyn'd with such Member as shall be appointed by the [Upper] House in a Committee to Apportion the publick Levy for this Present Year, and we are also willing that the Severall Members and officers of both houses be allowed at the Rate of 10 s Current Money p hundred for what tob^o is due to them for their Attendance and Services this Sessions more than already allowed in the Journall of the Committee of Accounts if Your Honours approve thereof.

Sign'd p Order Mich: Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by M^r Beale & Coll^o Belt. They Return and say they delivered it

Whereas it appears by the Journalls of this House viz: of the 30th of Octob^r 1722 and the 28th Septem^r 1723 That Encouragement should be Given to a printer &c: Tho^o Bordley p. 103 Esq^r acquaints the House that he has sent for a printer on the Encouragement given him by the Resolves of the House then made, Resolved that the Same to be Confirmed to the said Tho^o Bordley Esq^r

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker The Bill for payment and Assesment of the Publick Charge of this Province for this Present Year 1725, Thus Endorst viz:

By the Upper Ho: of Ass^y Nov^r the 6th 1725.

Read and will pass.

Sign'd p order. Geo. Plater Cl. Up. Ho.

And delivers the foll^o Mess^a viz.

By the Upper House of Assembly.

Novem^r the 6th 1725.

Gentlemen.

This House Concurrs with you in your Message this Day by John Beale Esq^r and Coll^o Belt in Relation to the allowances proposed and has appointed Benjamin Tasker Esq^r to be joyned with John Beale and Vachel Denton Esq^m in a Committee to Apportion the Publick Levy for this Present Year.

Sign'd p Order Geo. Plater Cl. Up. Ho:

The following Message is prepared viz:

By the Lower House of Assembly

Novem^r the 6th 1725

May it please Your Honours.

Your Honours Opinion that Servants in this province tho

Suspected of some Misdemeanours are not in prudence and Discretion to be lookt upon as persons of Ill fame, within the Meaning of the Statutes is Contrary to the Judgments and Resolutions in all those Books from whence alone Your Honours Can be Informed of what the Law is Concerning the Peace and good behaviour. L. H. J.

Your Definition of Persons of Ill fame, in what you are pleased to Assign as your first Reason is too narrow to be a Generall Definition and as to what you are pleased to Offer as Instances to Support it, they Require only Reading.

Your second Remark Concerning Servants can never make any Alteration in the Law for freemen. If a Housekeeper may be obliged to give Security for his Inmate, why not for his Servant. If a man may not keep a Dogg accustomed to bite Sheep, why Must he be protected in the keeping a Man accustomed to break Houses without giving Security for his Good behaviour. If a Man that keeps Ill Company may be bound by the Discretion of a Magistrate to his good behaviour, why not the very Master himself that keeps such Servants as are a Terror to the Neighbourhood they live in. If a Servant May never be bound over to prevent his breaking the Peace, Why should a Freeman be in a Worse Condition. If a Servant May not be Committed, till he has Committed a Crime, what becomes of Preventative Justice. Realy p 104
Gentlemen as You have profess'd your selves at a Loss on Severall Occasions this Sessions, we believe you will find Your selves also at a Loss to find Law to Support the positions of Your aforesaid Message. We humbly pray your Honours to be better advised for the future in such Matters before you Communicate your Thoughts thereon to the Publick.

Sign'd p Order Mich: Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r Stoddard and M^r Tilden

They Return and Say they delivered it.

An Engrost Bill for Laying the Publick Levy was Read and Assented to and was so Endorst.

And the following Message sent to the upper House by M^r Stoddard and M^r Courts

By the Lower House of Assembly

Novem^r the 6th 1725

May it please Your Honours.

It appearing by the Journals of this House in 1722 and

L. H. J. 1723, that Encouragement should be given to a printer that would Sett up a press in the City of Annapolis, and Tho^o Boardley Esq^r a Member of this House having acquainted this House, that he has sent for a printer on the Encouragement given him, by the Resolves of this House then Made, we are willing that the same should be Confirmed to the said Thomas Bordley Esq^r and desire Your Honours Concurrence with us herein.

Signed p Order Mich: Jenifer Cl. Lo: Ho:

They Return and Say they Delivered it.

Phillip Lee Esq^r from the Upper House delivers M^r Speaker the paper Levy Bill thus Endorst viz:

By the Upper House of Assembly

Novem^r 6th 1725

The Engrost Bill whereof this is the Originall is Read and Assented to by this House

Sign'd p Order Geo: Plater Cl. Up. Ho:

And delivers the following Message viz:

By the Upper House of Assembly

Novem^r the 6th 1725

Gentlemen.

We desire You will send two of the Members of Your House to see the Act for payment and Assesment of the Publick Charge &c: Sealed that it may be sent to your House in order to be presented with the Rest of the Laws to his Honour the Governour for his Assent.

Sign'd p Order Geo: Plater Cl: Up: Ho:

p. 105 Thereupon ordered that Cap^t Hooper and Cap^t Dashiell go and see it sealed.

Philemon Lloyd and Phillip Lee Esq^{rs} from the Upper house Delivers M^r Speaker the following Messages viz:

By the Upper House of Assembly

Novem^r the 6th 1725

Gentlemen.

In Answer to your Message by M^r Harriss and five more Members of Your House by which you seem desirous to know

whether this House will Concurr with you, in the Raising of L. H. J.
a Sume of Money for the Support of an Agent in England,

We think fitt first to put you in mind, that when as we Remember in or about the Year 1720, This House Strenuously insisted upon the Continuance of Coll^o Blackistone, our then Agent, at which time Your House was pleased to be very averse thereto, and Shew'd for Reasons that altho when the Government was Imediately under the Crown, an Agent might then be Necessary Considering the great Difficulty of Access to his Sacred Majesty, tho even then the Advantage appeared So Small, and the Charge so Burthensome to the Country it was thought Scarce Necessary and that in Regard Since his Lordships Restoration to the Government the Access is become so Easy that no one Can have Cause of Complaint, much Less either of the Branches of the Legislature, or as we Remember somewhat to that Effect, nor Can we see but the same Reasons yet hold, besides the Manner of Your Demands are yet more unreasonable Seeing by your Message, you Intend such Agent to be only Employ'd to Represent your addresses and Grievances, as if this House had not an Equal Right to the Service of An Agent. For the Reasons above, and the Sessions being as we apprehend near the Conclusion we Cannot think of Entering into any further debate about another Agent at this Time

Sign'd p Order Geo: Plater Cl. Up. Ho.

By the Upper House of Assembly

Novem^r the 6th 1725

Gentlemen.

We Concurr with You in Your Message by James Stoddart Esq^r and M^r Courts, to give Reasonable Encouragement, to the first person that shall sett up a printing press, whether it be Tho^s Boardley Esq^r or any other person pursuant to the Journalls therein Mentioned

Signed p Order Geo: Plater Cl. Up: Ho:

Coll^o Holland from the Upper House acquaints M^r Speaker that his Honour the Governour Commands him and the whole house to attend him Imediately in the Upper House to present the severall Engrost Bills past this Sessions and Assented to by Both Houses for the Fiat thereto.

Thereupon M^r Speaker with the whole House goes to the Upper House and there presents to his Honour the Governour the Severall Engrost Bills following to be past into Laws, which his Honour the Governour was pleased to do, by Seal- p. 106

L. H. J. ing them with the Greater Seal of this Province and Severally thus Endorsing them viz:

Novem^r the 6th 1725

On behalf of the Right Honoble the Lord Proprietary of this Province, I will this be a Law

Cha: Calvert

Viz:

N^o 1: An Engrost Bill for Ascertaining the form of the Oath of Judge or Justice.

2: An Engrost Bill to prevent Severall Irregularities Com-
plained of by the People Called Quakers.

3: An Engrost Bill to Restrain the Ill Practice of At-
torneys and to prevent their taking money fees and Ascertain-
ing what fees shall be allowed to Practitioners in the
Law who shall Attend the Circuit Courts.

4: An Engrost Bill Reviving the Act for better Relief of
poor Debtors.

5: An Engrost Bill for destroying Squirrels and Crows.

6: An Engrost Bill for Relief and Release of poor Dis-
tressed Prisoners for Debt.

7: An Engrost Bill for Relieving the Inhabitants of this
Province from Sundry Aggrievances, they lye under Occa-
sioned by the Scarcity of Tobacco Within this Province in
the Year 1724.

8 An Engrost Bill to Encourage the Takers up of Runa-
way Slaves, That shall be taken up by any Person, and
brought in from the Back woods

9: An Engrost Bill declaring female Mulattoes born of
white Women, and free Negroe Women to be Taxables

10: An Engrost Bill declaring Probats of Deeds or other
Matters and acknowledgments of Deeds taken before two
Magistrates of the City of Annapolis to be good and Valid
in Law.

p. 107 11. An Engrost Bill for the Removing the Court House
from Battle Creek in Calvert County, and for Building a
Court House for the said County on or near that place in the
said County Commonly Called and known by the Name of
Williams's old Field, and for Making Sale of the Old Court
House and Prison.

N^o 12. An Engrost Bill for the Naturalization of Michael
Ury of Prince George's County a Greek

13. An Engrost Bill to Enable Orlando Griffith and Kath-
erine his wife to [sell] the Moiety or half part of a Certain

Tract of Land hereafter mentioned, and for the Intailing L. H. J. of other Lands in lieu thereof.

14: An Engrost Bill to Enable John Speak Jun^r of Charles County to Confirm a tract of Entailed Land Lying in Prince Georges County Called Plimouth unto the Purchasers thereof, and to Entail Certain Lands in Charles County in lieu thereof.

15. A Supplementary Engrost Bill to an Act Empowering Certain Trustees to sell a Tract of Land in Talbot County Called Frankford S^t Michael late the Estate of Inheritance of W^m Harriss Late of Calvert County, and with the Money thereby Arising to purchase other Lands for the Use of Joseph Harriss and Benjamin Harriss sons of the said William Harriss and the Heirs of their Bodies according to the Directions of the Last Will and Testament of the said William Harriss.

16: An Engrost Bill to Confirm an Estate in fee Simple to such persons as already have or hereafter shall Purchase any Lands lying in the New town Commonly Called the Addition to the City of Annapolis, or any Land adjoining to the said City of Annapolis Commonly Called the Town pasture and Common, and to Invest them with the same Priviledges Within the City of Annapolis as other the Freeholders therein now have or hereafter may Enjoy.

17: An Engrost Bill to Invest the Vestry of Great Choptank parish in Dorchester County with an Estate in fee Simple to the Lands therein Mentioned.

18: An Engrost Bill for the Relief of James Moore of Baltemore County.

19: An Engrost Bill to Repeal an Act Entituled an Act for Confirming and Making Valid the last Will and Testament of Coll^o John Contee

20: An Engrost Bill for Dividing Great Choptank Parish in Dorchester County, and for Erecting a parish out of the Same Called by the Name of S^t Marys White Chappell.

N^o 21. An Engrost Bill for the Payment and Assesment p. 108 of the Publick Charge of this Province for this Present Year 1725

And then his Honour the Governour was pleased to Express himself in the following Words viz:

Gentlemen of Both Houses of Assembly

This Sessions being Concluded it Remains only that I Prorogue you, which I do with the advice of the Council to

L. H. J. the third Tuesday in March Next, and you are Required to take Notice that you are Accordingly so Prorogued.

6th Novem^r 1725

Cha: Calvert

Afterwards M^r Speaker with the whole House Returns to their own House where M^r Speaker Resumes the Chair and Reports that his Honour the Governour had thought fitt with the Advice of his Lordships Councill of State within this Province to Prorogue this present Generall Assembly to the third Tuesday in March Next to which time this House accordingly Prorogues it Self.

Thus endeth this Present Sessions of Assembly this Sixth day of Novem^r in the tenth Year of his Lordships Dominion in and Over this Province Annoq Dni 1725

Test Mich: Jenifer Cl. Lo: Ho:

p. 109 To the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltemore &c.

The Humble Address of the Lower House of Assembly
May it Please Your Lordship.

We acknowledge the favour of your Lordships Speech in Answer to our Address of this time two Years, which we are Informed by your Lordship's Lievtenant here was Intended Us some time Since but has not been Communicated to us till the opening this Sessions so that we Could not Shew our more Early regard to it, And are glad to Embrace this oppertunity (which we humbly hope your Lordship will permitt us) to Shew Your Lordship the Sincerity and Zeal of your Faithfull Tennants, for the Honour and Welfare of Your person and Government. We Cannot discharge our selves better towards your Lordship than by treating those Matters of Opinion and Argument You are pleased to Communicate to us with such decent plainness as may be most Effectuall for the Laying our sence of them before Your Lordship in the Clearest manner, wherein we shall Endeavour to pursue Truth and Duty with Innocence of Expression, tho we should become Unfashionable in the Mode of it;

1st We applaud Your Lordships Goodness for bearing So Constantly in Your Mind that agreeable Resolution of making the publick Good of this province the Rule of Your Government, and that your Lordship is again pleas'd to declare Your Resolution in Persisting in it, and we shall always be grateful for every Instance of it, that you are pleas'd to give us and the more Effectually to avoid all Misunderstandings

that may happen by Mistaken Constructions put upon Your Lordships Words we shall always Endeavour to Construe them by Your Actions The Best Interpreter. L. H. J.

2^d We begg Leave to Assure Your Lordship that the Pleasure we Indulged our selves with by Asserting in our Late Address that we were his Majesties Subjects was not done with the Least Intent to give your Lordship any offence but apparently us'd therein as a Necessary Foundation for other Arguments, But we Profess to your Lordship we can find no foundation or Cause for your Lordships Remark in any Resolution of ours concerning his Majesty's Title to this Province, under whom and within the Bounds thereof may you always Justly Rule according to Your Charter, for it is according to that Charter we Expect to be Govern'd.

3^d Your Lordship seems to Suppose us Conquerors of the Indians; but in this we doubt your Lordship has Misunderstood our Resolves, and the State of Your Country: We deny all Conquest. This Country was got by Occupation and not by Conquest. We and our Ancestors transplanted our selves hither, and the Indians never Submitted to our Arms, nor are on other terms with us than on Treaties and Leagues of Friendship. Therefore we have no Right to treat them as a Conquered People, but shall always pay such Regard to Humanity and Your Lordships Recommendation as to treat them justly and Like Neighbouring Allies. p. 110

4: And now May it please your Lordship we begg your Patience while we proceed to Answer the Severall Paragraphs of your Speech, Relating to the English Statutes, But we first Beseech your Lordship that you will Suppose your Self Rightly Informed in the Affairs of Your Country, when you are Inform'd by your Country, and that whenever any thing we assert, is deny'd, you will please to lett us know it, and our Oposers, and give us Oppertunity of Justifying the Truth, and on the present Occasion we declare that your Lordship has not been Rightly Informed by those that Inform'd you, there had been many Debates in former Assemblies, whether the Statutes of England Extended to us or no, and if your Lordship pleases to be Referred to the Resolves of the Late Assembly Unanimously Assented to, by Both Houses, Your Lordship will find that Information to be Somewhat Contrary to what Your Country there Inform'd You, and we Cannot without Concern observe Your Lordships Diffidence in us, or Superior Confidence in others concerning this Matter.

We are Sorry to hear from Your Lordship that the Common Receiv'd opinions of the best Lawyers in England are

L. H. J. against the Statutes of England Extending here. We know Something of their Opinions in Respect to other Plantations but know not of any publick Controversy that has ever been Concerning this, Except what has happen'd to with your Lordship on your Late Instruction, and if such opinions be given in our Case it must have been from Your Lordships Stating it, or without any State. But be it which it will, we take the Liberty of Assuring Your Lordship we will not disclaim our Country's Rights on any Ex parte opinions, nor without a Due Determination according to those Laws we have a Right to be try'd by.

Your Lordship is pleas'd to observe that the Habeas Corpus Act, does not Extend to Ireland nor the Plantations, and yet that the Terms of the Act are as Generall (in its Extent we understand Your Lordship) 'as Can be. We are Sorry Your Lordships Lawyer had not better Inform'd you; for that Act has as Express Words of Locall Limitation in it, as any Statute whatever, particularly in the Eleventh and Twelfth Paragraphs which Expressly Relate only to the Countys Palatine Cinque Ports &c^a within the Kingdom of England, Dominion of Wales and Town of Berwick upon Tweed and the Isles of Jersey and Guernsey. But we only Begg Your Lordship from this Remark to observe how (Your Lordship best knows by whom) You are Misinform'd in this particular, For we Claim the full Benefitt of that Statute tho Located; For it is a Statute which Grants Priviledges, to witt, the Regaining Liberty, when Illegally taken away, and the Securing Liberty against being taken away from those it Relates to. The Statute Relates to all the Subjects of England that at the time of the Statute were or thereafter should be Inhabitants or Residents in England. It is therefore a priviledge due to his Majesties Liege people in England and the Royal Charter to your Lordship Expresly Grants us all Libertys Franchises and Priviledges of the Kingdom of England as Freely to Enjoy [as] Liege People Born, or to be born within the Kingdom of England with a Generall non obstante. Therefore when Your Lordship has been advised to deny that we have Right to the Priviledges Granted by that Statute, you were Realy advis'd to deny us, what the Royal Charter Grants us, which we hope is as far from Your thoughts to Impose as from ours to Suffer; This Statute hath been put in practice here whilst the Crown Govern'd, and is by a Genuine Common Law Construction Easily reconcil'd to us; for tho the Writts of Habeas Corpus therein allow'd are grantable by and Returnable before the Lord Chancellor Judges or Barrons therein mentioned and of the degree of the Coif, and tho' we have none Such here Yet we Esteem the Judges of our

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Superior Courts to be to us under the Like Reason and Consequence- L. H. J.
 frequently under the Like Law as the Judges mentioned in the Statute are to the Subjects in England, and altho the Statute is that no Subject Resident in England shall be sent Prisoner beyond the Seas, that is, shall be sent from the place of his Residence, to be Imprison'd beyond the Seas, Yet if any Subject here Should be sent from hence to be Imprisoned beyond the Seas, nay even in England it Self (unless in the Case where it is particularly ordain'd by the Statute) such Imprisonment would be within the Reason of the Statute and a Breach thereof, and these and the Like Constructions are well allowable by the Constant practise of the Judges to be put upon these and other parts of the Statute, And when Your Lordship is pleas'd to observe that it has been often adjudged by all the Judges that this Statute did not Extend to the Plantations, we hope Your Lordship will not infer from them any Necessity that it should not Extend here, unless all the other Plantations have the Like Charter, and like priviledges with ours: for as our Case and Constitution differ from theirs so will the Law. As to the Statute of Labourers 5th of Elizth we have an Act of our own to suit our Constitution that provides for us in all Cases where that Statute would be Inconvenient, and the Like of the Statutes of Usury which Statutes we have heard are disused in many parts of England and a Fortiori might be unus'd here had we no acts of our own in the Case. But as we have they fall no ways under our Consideration and wherever those Evils are found here that the Statute of Frauds and Perjuries provides against, we use that Statute with great Satisfaction, as it has been frequently us'd here since the first making it, we generally Disallowing the Probatt of Wills that are not made Conformable to it, but these and all These and all other p. 112 Statutes are under the Like Rules of Common Law or Equitable Construction that are us'd by the Judges in Construing Statutes in England Except such Statutes as are in favour of Priviledge which whether Located or Generall are so Expressly granted us by Your Charter that no Construction can be well admitted against them.

5. The mention we made in our Late address of the Averment of a Counsell in Blankard and Galdy's Case as Reported in 4th Modern is agreeable to the Book and we us'd it no otherwise than as the Averment of a Counsell on one side not deny'd on the other, and such we yet find it, but we Cannot think the Judgment of the Court was against it, for the Principall Case before the Court was on the Statute of the 5th of Edward 6th and not on the Statute of Limitations.

L. H. J. But Since Your Lordship is pleas'd to take into Your Consideration the Judgment of the Court in that Case we pray your Lordship to be Referr'd to it as Reported in Salkeld 411: where the first Resolution of the Lord Holt and whole Court of King's Bench is Reported in these words viz. "In Case of an uninhabited Country newly found by our English Subjects, all Laws in force in England, are in force there, so it seems to be agreed;" Which Resolution of the Judges, more Solemn than the Common Received Opinions of other Lawyers, might we hope furnish Your Lordship with good Reasons to think favourably of our Claims.

For by this Resolution, it seems, had this Country been uninhabited, all the Laws of England had Extended here by Common Right tho: we had no grant of English Priviledges. We begg your Lordship then to Consider what our Case then differs from Settling an uninhabited Country; since, whether the Country be uninhabited or not, at the time of the Conquest or Occupation, can be no ways Materiall but with Respect to the Laws of the Prior Inhabitants here for they are to be Regarded by such Conquerors or Occupants, as it seems by the Books, and particularly in the second Resolution of the above Case where the Court held that in Case of an Infidell Country, their Laws by Conquest do not Intirely Cease, but only such as are against the Laws of God. This only seems to Relate to the Case of the Conquered or Prior Inhabitants where they are a Polite people Skill'd in arts and Letters under the Regulation of Establisht Laws. But this Country was Inhabited by a Rude Savage & unpolish'd people Ignorant of Arts and of the use of Letters, having no knowledge of the true God, nor any known Laws or Rules of Civill Government, Save what they have Learnt Since the English Settlement. Therefore in Respect to them and to our Laws, we take our Case to be the same as if the Country had been uninhabited and Consequently within the above Resolutions, and if your Lordship Pleases to Consider the Rest of that Report and the Arguments in the Case of Dutton and Howell before
 p. 113 the House of Lords reported in Showers Cases of parliament page 31: we doubt not but you will Reap some Satisfaction therefrom in the present Question.

6: The Advantage of a Legislature here to make Laws to suit our Constitution is a Conveniency without which we Could not well Subsist, But we are not under any Necessity of Parting with all other Advantages for the Sake of that. The Charter Grants us English Rights and Liberties as well as a Share in a Legislature of our own, and we hope these things are not Inconsistent but that we may well Enjoy them

Both, and we find it to our happiness we have a Right to En- L. H. J.
joy such English Statutes as Suit our Constitution, and a
Right also with your Lordships Assent to make Laws of our
own Instead of such as do not. What Cause we have given
your Lordship to Suppose us fond of a Word we Cannot
Imagine. It must Needs proceed from Misapprehension, for
we Assure Your Lordship we are not fond of the Word
precarious, nor like any thing the Better for its Being so,
and we begg your Lordship will give us Leave so far to Judge
for our Selves as to pursue and persist in what we our Selves
account our happiness, Rather than what your Lordship is
pleas'd to Call so. We Esteem the Conditions and terms of
the Royall Charter to be happy Rules of Government and our
Opinions and the opinions of our Ancestors, that they were
so, was what Induc'd them and us to Accept of those Con-
ditions, to whose Improvements and Industry your Lordship
now owes the present fruits you Reap from your Proprietary-
ship and Government, and we begg your Lordship to Con-
sider that your putting us in mind of the Happy Condition the
Crown by Your Charter hath thought fitt to place us under
which we ought Quietly to Submitt to is not an agreeable way
of treating those you are oblig'd to for the Successes of your
Province. It was no Bounty in the Crown to place us here,
unless We had not deserved Longer to Live in England, and
that English Liberties were given us here, when we had for-
feited our Right to them there. This Indeed would have
been a Bounty and very well have admitted a propriety in the
Expression you Use That the Crown thought fitt to place us
under. But we take leave to observe that the Crown had no
Right to give us other Conditions then in Common with our
fellow Subjects, nor to place us here or Elsewhere but by our
own Consents, and we hope you will not take it Ill that we
again Remind Your Lordship, we are his Majesties Subjects
and have Equall Right with others to Breath British Air; and
that Your Lordships prerogatives and Your Tenants Priv-
iledges are both dependant on the same Royall Grant, And
that Your Lordship and we are both Subjects to one just and
Gracious Prince who will not Countenance the abuse of his
People in the Remotest Corner of his Dominions, and there-
fore we Begg Your Lordship will give Your Secretary Better
Impressions of us than to treat us so much like Men that owe
their Lives and Liberties only to Your Charter. We begg
Your Lordship to be persuaded that we shall quietly Submitt p. 114
to Everything we ought to Submitt to, but we Cannot Promise
further. We only Contend for the Preservation of our Con-
stitution and to be Govern'd According to the same Rules of
Government as our Predecessors were, and if this be not

L. H. J. Oppos'd we shall give Your Lordship no Cause to think us Turbulent or Troublesome.

May it Please Your Lordship.

7. 8. 9 10. We doubt not his Most Gracious Maj^{ty's} Goodness and Justice to any of his Plantations, nor but that what he has done in the Case of Jamaica, mention'd by Your Lordship has been by Wise and Good Counsels (May your Lordship always proceed in Your Administration by the Like) But as the Trade Scituation Climate Soyle and Constitution of Jamaica are Widely Different from ours, So perhaps may be their Laws and the Institution of their Government. His Majesties Great Goodness in Dissenting to their Act, Lest it should hurt them by Introducing Laws they never had Experienc'd, that might be Inconvenient to them, seems Vastly Different from what Your Lordship Offers as a parity Viz: Excluding us from the Benefit of those Laws we have always had and Experienc'd with Satisfaction as Inseperable from our Constitution. They attempt an Alteration of their Constitution by bringing the Statutes of England amongst them as it seems by what Your Lordship tells us; we Insist on preserving our Constitution by keeping the Statutes of England amongst us in the same Manner we have always had them. We hope Your Lordship sees the Difference. Your Lordship had been very fortunate in Using Words in Your Instructions so agreeable to his Majesties, had they been apply'd like his But his Majesties are to allow Jamaica to Introduce such Statutes of England as they had not, if he should think them Reasonable. Your Lordships in Effect, are, that we should Enact de novo Statutes Enacted for us ab antiquo, in order to Introduce them here which always have been here, and You are pleas'd to add, It would be happy for us all to Conduct our selves accordingly. We submitt this to Your Lordships further Consideration.

11. And your Lordship is pleas'd in the Eleventh paragraph of Your Speech Communicated to us to give an Absit to your Attempting any Alteration of such Laws Rules Customs and Usages as are undoubted Certain Constantly adhered to and known amongst us unless for the Common good at our Request in General Assembly, and as by the Resolves of the Late Assembly agreed to unanimously by both Houses and again unanimously agreed to by this present New Elected House, and by other Publick Proceedings, Your Lordship has been apprised what those Laws Customs and Usages are, we hope Your Lordship will Require no further Satisfaction on this point if you are but
p. 115 pleas'd to give any Credit to the Representatives of Your

Tenants and then we hope Your Lordship will not Suffer L. H. J. any Alterations to be made by the opinions or Resolutions of others.

12 We are glad to find Your Lordship has taken Notice of our Debates Concerning the Allowance Claim'd by Your Lordship's Council of State. If on our Side of the Argument Moderation was Wanting, Yet we hope Your Lordship found good Reason there: for we therein agreed as we do now that they deserve their Reward; But for that Ample Provision was made by the Act that Rais'd the Twelve Pence p hhd and as it was annually Rais'd by that duty it ought not to be annually Levy'd by poll tax againe upon the People. Your Lordship is pleas'd to mention that act as Raising the Twelve pence p hhd towards the Maintaining the Dignity and Station of Your Lieu' Governour, and for such other uses as to you should seem meet, But now we begg Your Lordship to be Inform'd, that the Act it Self Mentions it otherwise Viz: That in the Absence of the Lord Proprietary himself out of this province one Shilling &c: to be applyed towards the maintaining the Station and Dignity of his Lordships Liev' Governour Actually Inhabiting and Residing within this province and to such other Necessary Uses towards the Support and Defence of the Lord Proprietary's Government of this Province, as In his Lordship's Wisdom to him shall seem meet. If therefore your Lordship pleases to deduct the present Support You allow Your Liev' here from the Totall amount of that Duty Annually, Your Lordship will Undoubtedly Find a Large Residue, which in our humble Opinion ought by the Express terms of the Act to be apply'd to other Necessary Uses of Government; and by Comparing this paragraph with the Next paragraph before it in the Act, Your Lordship will find the Intent of the act plain, that no part of it was Intended for Your Lordships Private use, and we know not how 'tis otherwise apply'd, tho we hope your Lordship will allow it to be our Right and Duty to Enquire into the Applications of all Sums that are tax'd upon us.

Your Lordship Rightly observes that at the making the Act it was not so much as surmis'd that their (the Counselors) support should Come from you. The Support we speak of do's not come from You but from the Country on whom tis Rais'd, and as for any Reasons that might have mov'd your Lordship to Dissent to that act, they Rest with Your Lordship But if your Lordship had Dissented to it, we should have born it patiently, on the Consolation of our having acted like Loyall Heartly Subjects, that had Offered to Raise an honourable and plentiful Revenue for the Support of the Government we liv'd under, but that it was Rejected. This

L. H. J. Could have fix'd no Blame upon us, but what we well might
 dear. As to the other part of that act which Your Lordship
 seems to Speak of, when you are pleas'd to say, You know
 p. 116 what you part with by it, But that you are Contented since
 you have allow'd it for the Common Good, We very Grate-
 fully Acknowledge your Lordships kind Intentions in parting
 with (what you Suppose to be) Your Interest by that Act,
 for the Common Good, but as your Lordship seems to think
 it for the Common Good we hope your Lordships Share of it
 Sufficiently answers for what you part with by it, of which
 Your Lordship will be more fully Convinced by Comparing
 your Revenue of two Shillings arising from that Act either
 with the profits of your Ancestors or with an unaugmented
 view of what Could possibly be Rais'd from Your Lordships
 present Roll, when you have the Calculation from such hands
 as are Unprejudic'd, and without Byass in the Matter, and
 when all Unavoydable Defalcations and Charges are De-
 ducted. This we humbly offer to Your Lordship as an In-
 ducement to you to look into Your own Interest, and we
 Earnestly begg you will do so, that you may not be led into
 Mistakes, by those that Consult their own while they pretend
 Your Lordships, and this we rather Importune Your Lord-
 ship to, that you may Judge for your Self Concerning the Con-
 tract depending betwixt us; and we assure Your Lordship
 we shall be very Easy in the Consequence, Be it what You
 please.

And now if your Lordship pleases to Number the Para-
 graphs of Your Speech from one to twelve, in order you will
 find each paragraph Answer'd and we hope Satisfactorily by
 the Paragraphs of this Address that have like numbers in the
 Margine.

And we begg Your Lordships further Patience to hear
 us on this Subject, this most Important Subject to Your Self
 and us; tis the Rights and Liberties of a whole Country we
 treat of, and in favour of Your Lordships Real Honour and
 true Interest therein which we take to be much more Con-
 cern'd in the Increasing the Real Value of Your property than
 in the Support of a Mistaken Grandeur in Government, and
 that Your Lordships Honour in Governing a free people, a
 Colony of his Majesties Subjects, Easy in their Fortunes and
 in their Liberties and Properties secure would be more truly
 Great than in Governing a poor Distress'd and servile People
 discourag'd in their Labours and Doubtfull of their Laws
 tho' Your Government over them were as absolute as Your
 title.

To proceed therefore we begg Leave to Resume the Sub-
 ject of your Lordships Eleventh Paragraph, where Your

Lordship declares ag^t altering our Rules Customes and Usages &c: by which Your Lordship seems to Suppose the Constitution we Endeavour to preserve is a Novelty. We pray Your Lordship to be Referr'd (besides The many Records noted in our Journals Sent You) to the Commission of Your Noble Ancestor Cecilius, Granted on the 15th of April 1637: (Your Lordships Charter being Made but in 1632:) to his Brother Leonard Calvert Esq^r who by the History of Maryland, is said to be the first Governour here, In which Commission we find these Words, And we do hereby give and Grant full power and Lawfull Authority unto him our said Liev^t to Enquire try Determine and finally to Judge of and upon all Causes Criminall Whatsoever of what Nature kind Quality or Degree or Condition soever the same shall be which may happen or arise within our sayd Province as fully and Absolutely as if we our Selves were personally Present to give Sentence or Judgment in or upon the same (Excepting only where the Life or member of any person shall or may be Enquired of or Determined) and to award Execution upon every such Sentence or Judgment, and also to hear and Determine all Civill Causes Actions suits and Demands both in Law and Equity, also Concerning any Goods, Chattles, Contracts, Debts, Demands or other personall or mixt Action or Actions Suit or Suits whatsoever in the most Summary and Equal Way that he may According to the Orders Laws and Statutes of that our said Province already made and Establish'd or hereafter to be made or Establish'd, and in Default of such Laws to be Establish't, within our said Province, then according to the Laws and Statutes of the Realm of England, as near as he may or can Judge and Determine thereof. Also in his Lordships Commission to William Braithwait Gent: to be Commander of the Isle of Kent Dated the 22^d of October 1638: are these Words:—And in all other Matters Civill and Criminall to use and Exercise all or any Jurisdiction and Authority for the Administration of Justice and Conservation of our Peace within the said Island as any Justice of Peace in England may or ought to use and Exercise by Vertue of his Commission for the peace, and further (as there Shall be Cause) to hold a Court or Courts, and in the said Courts to award process hold pleas, and to hear and finally Determine all Actions and Causes whatsoever Civill hapening and arising between any the Inhabitants of the said Island, not Exceeding in Damages or Demands the Value of One Thousand weight of Tobacco; as also to hear and finally Determine all Misdemeanours and Offences whatsoever Criminal hapning or Committed within the said Island, and to award Execution thereupon so that the said Crimes Extend

L. H. J.

p. 117

L. H. J. not to the Questioning of any one for his Life or Member: and all matters or Causes whatsoever aforesaid to hear and Determine in the Most Summary and Equal way that he may according to the Laws of this Province, Established or to be Established (after publication thereof in the said Island) and in Default thereof, then according to the Laws of England as near as he shall be able to Judge. We hope these will be Sufficient to shew Your Lordship the Antiquity of what we Contend for without troubling You with further Instances.

p. 118 This then may it please Your Lordship being so Early an Inducement to our Ancestors to Come and Reside here under the happy Circumstances of being bound by such Laws as they were bound by in England or such as should be made here by their Consent, no doubt was what much encourag'd them to hazzard their Lives and fortunes amongst Unknown nations of Barbarians from whom and with whom they were obliged to purchase and Cultivate Terms of Peace, by paying them for their possessions, supplying them with English Manufacturaries, and being Generally Obliging to the heads of their Nations, till by a Wonderfull providence they are become an Inconsiderable people in themselves amongst us. How strong they may be in their Alliances abroad upon the Continent, no Englishman can know, We therefore Yet buy our Lands of them, when they demand pay, as neither thinking it just to Refuse it, nor safe to provoke a people whose Interest we know not.

We find in the Records of 1647: page 143: Sundry Depositions taken in open Assembly, whereby it is prov'd that Sundry the Inhabitants of the province declar'd they would depart the province for fear of the great Charges for payment of Soldiers Wages like to light upon the Country, to which Inhabitants the Honōble Leonard Calvert Governour his then Lordships Brother said that his own Estate and his Brothers should pay the Soldiers and that no other Charge Should Come upon the Country more than the 60^l Tob^o p hhd and further said if that Could not he would Engage his Lordships Country for the Satisfying of the Soldiers, and we find in the same book page 273: Anno: 1649 An Act for the Support of the Lord Prop^{ty} whereby Ten Shillings a hhd is Imposed on the Exportations of Tobacco therein mentioned to his Lordship one half whereof to be Employ'd towards the Satisfaction of all Interest arrears and Claime touching the Late Discovery and Defence of the Province untill they should be fully Discharg'd, and also that Sixteen Cows and a Bull should be Rais'd by Assessment upon the Inhabitants within two years in Consideration of his Lordships Stock Distributed towards the Defence of the Province, and also another

Act on the same page touching the Lord Prop^{ty's} Stock of L. H. J. Cattle and other Estate within the Province wherein it is Recited, That whereas his Lordship had Suffered many and great Injuries and Losses in the Disposall of his Stock of Cattle and other his Lordship's Estate within the Province which said Stock of Cattle with other his Lordships Estate was Engaged by Leonard Calvert Esq^r his Lordships Late Governour here before his Death to Diverse Soldiers here for their pay for their Service in the Defence and Safety of his Lordships Province and since Delivered according to the Late Governours Engagement aforesaid Notwithstanding which this Assembly being desirous to give his Lordship Honourable Satisfaction therein ordered that no Inhabitant shou'd sell or Transport any of the Cattle that had been his Lordships at the times therein mentioned but should preserve them and their whole Increase Intire till the March following or untill his Lordships pleasure should be further known on pain of forfeiting double their Value &c. which Acts were thus Subscribed

The freeman have Assented Tho: Hatton
The Gov^r hath Assented W^m Stone

These Records may serve to give your Lordship some Information Concerning the Burthen of the first Seaters of Your Province tho in the above Instances the Charge as we take it was not for Soldiers against the Indians only but also against the English Protestants that Came from Virginia to Seat at the River Severn which is now the Seat of Government and in the same Year we find an Act for the Defence of the Province against the Indians also so that Your Lordships Tennants had other Difficulties to Support themselves under besides what the Recited Acts mention.

What Fruits then May it please your Lordship do we Reap? and what Reward for purchasing, occupying and Rescuing Your Estate, that was then but Little more than a Name, from the Hands of those, that all Your Prerogatives Mentioned in Your Charter cou'd never have oblig'd to surrender up one foot of, had not the Priviledges therein granted to the People Encourag'd them to bear the Brunt and Charges of every partial Skirmish By which, thro' providence, they prov'd the happy Instruments of your Success? Must our Reward be to Enthral our selves, for freeing and advancing your Estate? Is Your Lordship's Business so well Done, that you have no occasion to be further just to the Conditions upon which we have Serv'd you? May you abhor the Thought! But if your Lordship pleases to persist in this,

L. H. J. so unexpected Argument, we hope you will not blame us, if in time you be Convinc't that what we have advanc'd is Truth.

But as we would give your Lordship a Hint (to give a History would be too prolix) of every thing that may be necessary for your Lordship's Right Information, We begg Leave to observe, that the sentiments of the Legislature here within our own Memory, and whilst we were under the Immediate Government of the Crown, appear to be Consistent with those of former times.

The Statute of Bigamy i James i: Cap^t II. was thought to be Convenient here: but because it was for hanging the Bigamite and Restrain'd to the people of England and Wales; and because Hanging was not accounted a priviledge so as to bring it within the Words of the Charter, therefore in Aprill Assembly 1706: An Act of this Province was made to declare it in force here. This is the practice where Located or Dubious Statutes are Suitable for us, but where Generall Statutes, or any part of them, are found Inconvenient for us, and yet are such as by a Common Law Construcōn might be deem'd to affect us, The practise has been to make Acts of our own to suit our Selves where such Statutes or parts of Statutes did not suit us, as in the Case of the Statute of Limitations 21 Ja: Cap: 16:§ 3^d we found the times therein Mentioned for the Limitations of personall Actions to be too Long, and in the Year 1669 was made An Act here to Lessen the times, as particularly where that Statute allow'd Six Years, we allow'd them but two Years, and since Three Years, and so of the Rest but as the other Parts of the said Statute suited us, we made no Act of our own to Alter them, because they suited us, nor to Introduce them, because they were Introduc'd with our Ancestors, as well as the Common Law, at their first Settlement. Instances of this kind are too numerous to trouble Your Lordship with.

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But since we mention the Common Law we begg Leave to Observe Concerning it, That we do not apprehend Your Lordship denys us the Benefitt of it, as being by the Common reciev'd opinions of the best Lawyers allow'd to be our Right; But its the Statutes only you deny us. To allow us the Common Law but not the Statutes (many of which are made for the Correcting the Errors and Inconsistencies of it and to Reconcile it with the present times) would be but a piece meal Compliance with our due by Charter and Instead of Granting us all the Priviledges due to English Men would be only allowing us some of them Viz. such as were Sanctioned by the Common Law only. But for the Rest we should be oblig'd to depend upon your Lordship's Will in which we

Cannot so Securely Place a Confidence as in the Certain L. H. J.
Measure of Establisht Laws.

We shall Trouble Your Lordship but with one Remark more Concerning the Statutes, and that shall be from the Royall Grant it Self, where, in the Paragraph that gives Your Lordship power to Aliene Your Lands and the purchasers to hold of your Lordship in what Estate soever should seem Expedient to his Lordship and the purchasers There is an Express provision that it shall be Lawfull so to do notwithstanding the Statutes of 18: Edw: 1 commonly Called Quia Emptores Terrarum or any other Statute, which we hope Sufficiently Shews the Intent of the Prince that made the Grant and the Sence of those times that the Generall Statutes of England did or at least would by that Grant Extend here and that therefore such non obstante was necessary; which otherwise would have been Useless.

As to the Usage of this Province in this part we shall not trouble you further then to Begg your Lordship to be Refer'd to your Lievetenants Speech at the opening this Sessions which fully declares it as it is alledged by us.

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And now we begg Your Lordship to Consider how much it must necessarily Concern us to have our Establisht Rules of Law and Priviledge Attackt by Your Lordship with objections to them at Least as if our Constitution were but Dubious, whereas in truth it Never has been Dubious untill Your Lordships Late Instruction seem'd to make it so. It is a Case of that Consequence that requires our Concern, and the Ill Success and Little Notice taken of our Late Address to Your Lordship obliges us to Press this Subject the more Earnestly upon You; for that while these Debates are pending by way of Address and Answer Your Instruction continues as the Rule of Your Lieutenants Administration whereby our Legall Constitution is Rendered Dubious and unsafe. We therefore in most Submissive Manner intreat Your Lordship to favour us with your determinate Resolution in the Case with all that Reasonable Expedition that may be Consistent with Your Lordships Leisure and the Importance of the affair; and that you will not take it Ill that we give your Lordship our Solemn Assurance that as nothing has been wanting in us to give Your Lordship a Right understanding in these Matters nothing shall be wanting in us that we Can think necessary to preserve our Rights; Concerning which (we are Sorry to find it so) we have Reason to be Jealous; (We Cannot omit observing to your Lordship; that whilst Your Lordship is Contending with Your Tennants for the Rendering Your Government more Absolute over

L. H. J. them You are pleas'd to Suffer their Private Inheritances which they purchas'd from and hold under your Lordship, together with your own Property to be incroach't upon and taken from us by our Neighbours on Delaware without any defence made for us by Your Lordship that we Can hear of, and as your Lordships Boundaries are the Rule to us, we Cannot Act in our own Defence therein, nor be Defended but in Your Lordships Name and Right, and while we thus Suffer in our Property under your Lordship our ancient Constitution and the Laws and Administration of Justice are Endeavoured to be alter'd by Your Lordship, and these, we hope Your Lordship will allow, may give us Sufficient Cause to Speak and Act the part of Subjects to the British Crown Insisting on their British Laws and Liberties) No people can be more Sincerely Attach't to the true and Real Interest of their Chief Lord Prop^{ty} from whom they hold their Lands, nor of the Hereditary Governour in Chief that presides over them than we are, and as we give Your Lordship an Evincing Instance of our Aversion to Mischievous Compliment or Flattery by that honest Plainness with which we Now address you, we hope Your Lordship will Confide in our Sincerity, when we assure you as we now Sincerely do That we shall

p. 122

be Ready to use our utmost Endeavours to Support both Your Lordships Just prerogatives and Property by all Proper Measures in our power whenever we shall find it agreeable to Your Lordships Pleasure that we should act therein, and this we hope Your Lordship will Accept as an Evidence of our Affection and Duty in Opposition to such Busie Whispersers as we are Satisfy'd Endeavour to Render their Misrepresentations Effectual to the Creating Doubts and Misunderstandings betwixt Your Lordship and Your Tenants. Nothing less than a firm Resolution in us of Asserting the Truth with Freedom can be likely to prevail against the Disturbers of our Mutuall Peace. May Your Lordships Prudence Contribute to Render these our Endeavours Effectuall to the Maintenance of the Real Honour and true Interest of Your Lordship, and to the Common Good and Tranquility of

May it Please your Lordship

Your Lordships

humble and obedient Servants

and most truly affectionate Tenants

ACTS.¹

At a Session of Assembly begun and held at the City of Annapolis, in the County of Ann-Arundel, for the Province of Maryland, on Tuesday the 5th Day of October, and ended Saturday the 6th Day of November, in the 11th Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Annoq; Domini 1725, were Enacted the following Laws. Bacon's
Laws

An Act declaring Female Mulattoes born of White Women, and Free Negro Women, to be Taxables, Chap. IV

Forasmuch as Female Mulattoes born of White Women, and Free Negro Women are not mentioned in the Act ascertaining what Persons are Taxables within this Province,

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That all Female Mulattoes born of White Women, and Free Negro Women, of the Age of Sixteen Years shall hereafter be accounted Taxable Persons, and shall be subject and liable to all the Forfeitures and Penalties other Taxables are subjected to by the Laws heretofore made concerning them; any Law, Statute, Usage or Custom to the contrary notwithstanding.

An Act to prevent several Irregularities complained of by the People called Quakers. Chap. VI

Whereas it is humbly represented to this present General Assembly, by the People called Quakers, That sundry Persons set up Booths, and sell Drinks and other Things, near their Yearly Meeting-houses within this Province, whereby those Places which were by them intended and used as Places of solemn Worship, are converted into Places of Traffic, Debauchery and Immorality, to their very great Disturbance in the Exercise of their Religion, and the Worship of God, And

¹ The original record of session laws, Liber L. No. 5, having been lost, the text of the Acts printed here is taken from Bacon's *Laws of Maryland at Large*, published in 1765.

Bacon forasmuch as the Several Methods heretofore used for the Suppression of such Irregularities have proved altogether ineffectual: It is humbly prayed that it may be Enacted,

II. And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That whosoever from and after the Publication hereof, shall presume either to set up a Booth, or sell or dispose of any Liquor, or other Matter or Thing whatsoever, either by Land or Water, within One Mile of the Yearly Meeting-house (of the said People called Quakers) in Talbot County, or within Two Miles of their Yearly Meeting-house near West-River in Ann-Arundel County, during the Time of such Yearly Meetings, shall for every such Offence forfeit and pay unto the Right Honourable the Lord Proprietary, his Heirs and Successors, the Sum of Ten Pounds Current Money of Maryland, one Half thereof to be applied to the Use of the Public School of the County where such Offence shall be committed, the other Half to him or them that shall sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information; wherein no Essoin, Protection or Wager of Law to be allowed.

III. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That upon Complaint made to any Justice of the Peace for the County where such Offence shall be committed, the said Justice is hereby required immediately to issue his Warrant to cause the said Offender to be brought before him, and upon Proof made to him of the Premises, by the Oath (or Affirmation if a Quaker) of one credible Witness, or Confession of the Party, to commit the said Offender to Prison, until he shall remove such Booth, Liquor, or other Things, from without the Bounds aforesaid, and give sufficient Security to answer for the said Offence at the next Court to be held for the County where it shall be committed.

IV. Provided always, That this Act shall not be construed to hinder any Ordinary-Keeper from selling Liquors in their respective Dwelling-houses.

Chap. VIII An Act declaring Probates of Deeds, or other Matters, and Acknowledgments of Deeds taken before Two Magistrates of the City of Annapolis, to be good and valid in Law.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Probates of any Deeds, or other Matters, made either in the Mayor's Court,

or before two of the Magistrates of the City of Annapolis, **Bacon** and all Deeds of Lands lying within the Precincts of the City of Annapolis, acknowledged either in the Mayor's Court, or before two such Magistrates as aforesaid; shall be, and are by this Act declared as good and available in Law in all respects, as if made or acknowledged in the same Manner before any One Justice of the Provincial Court, or Two Justices of a County Court; any Law, Statute, Usage or Custom to the contrary notwithstanding.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, March 15-23, 1725/6.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss^t

At a Session of Assembly begun and held by Severall Prorogations at the City of Annapolis on Tuesday the fifteenth day of March in the Twelfth Year of the Reign of our Sovereign Lord King George and in the Eleventh Year of the Dominion of the Right Hono^{ble} Charles Lord Baron of Baltimore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &^c Annoq Dmi 1725/6

U. H. J.
Calvert
Papers
(726)
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Were Present

The Hono^{ble} Charles Calvert Esq^r Governour

the honble	{	Coll. Will ^m Holland	John Rousby	} Esq ^{rs}
		Coll. Thomas Addison	Benj ^a Tasker	
		Coll. Richard Tilghman	Phil: Lee	
		Col ^o M. T. Ward		

Members of the Upper House

James Stoddart and John Beale Esq^{rs} from the Lower House acquaint his Hon^r the Gov^r there are a Sufficient number of their members met to proceed upon Business.

Whereupon Col^o Holland is sent down to the Lower House to Acquaint them that his Hon^r the Governor requires M^r Speaker and the whole House to attend him in the Council Chamber Immediately.

Who returns and says he Delivered the Message

The Speaker and the whole House attended accordingly p. 2 and his Honour opened the Sessions with the following Speech viz.

Gentlemen of the Upper and Lower Houses of Assembly

I am Sorry to Convene you at this unusuall time of the Year, but it is Occasioned by the Gentlemen of the Law, who refuse to plead the Causes begun before the Act made last Sessions relateing to Attorneys; It is very hard the Clyents should pay the ffees in those Causes and be nonsuited; what the Gentlemen Practitioners said in the Chancery Court was that the letter of the Law restrained them from pleading any Causes whatsoever, Except they took the Oath appointed by the Act. I could not be of their Opinion and therefore gave them leave to plead the old Causes if they would have so done for it would be a very great Absurdity to suppose the

U. H. J. Attorneys Should Swear they would not take any fee more than the Act allows, when they had already taken more, or to Suppose certificates of the Clyents Oaths could be returned to the Courts before we had an Act to Direct it so to be; A Judge should determine according to an Equitable Construction for tis madness to suppose Impossibilitys, therefore I cannot think the Act wants any Amendment in this Particular; What Opinion other Courts have been of and what has pass'd therein, You Gentlemen of the severall Countys are best acquainted with.

Another flaw the Gentlemen have found out is that tho'
 p. 3 a Merchant is represented here by his Attorney nevertheless the merchant must swear The Assembly could never Suppose such an Absurd thing, therefore it is equally as mad as the first I have mentioned, and must have been from some Slip of the pen in Transcribing that Act; great hopes are Built upon this Particular, that the Merchants will make Interest to get a Disscent to the Act, however to be out of doubt it is very Easie to draw a new Act with what little Alterations may be thought proper

I cannot help thinking it is A just and good Law for nothing is taken from the Attorneys that was allowed by Law (if it appears otherwise it was not design'd) and the poor are upon an equall footing of Justice with the Rich. The poor cannot raise money, I am sensible of their Condition and it is my Duty to protect them in a more particular manner who are least able to help themselves

At the same time that I am mentioning the hardships on one side, I should be Unjust to the Gentlemen of the Law if I did not take Notice of that part of the Act which allows the Planter at his Election to give an Attorney for his Advice, one hundred pounds of Tobacco or Ten Shillings Currency. If it be reduc'd to A certainty and out of eithers Choice the Objection now rais'd will Cease.

Gentlemen.

I have nothing more to Offer except I have Occasion given in the Course of the Proceedings of this Sessions and shall Conclude with recommending Dispatch that the Country
 p. 4 may be at as little Charge as possible & I must further recommend in Order to put this Law mentioned upon as equall a footing of Justice as Possible that no Generall or Speciall Retainers be Suffer'd and that whoever applys first to an Attorney, that Attorney shall be Obliged to Undertake his Cause, or not be concerned on the other side; this may Create Some Cavalls and the Attorney may Say he will not be Con-

cern'd for the person applying, because his Cause seems U. H. J. unjust; But this Objection is easily answered for certain one side must be in the wrong, and I am apt to think that those who are well wishers to this Law will be thought so by the Practitioners; therefore I recommend this to your Consideration; And as I am Determined to support this Law which is the best that ever was enacted for the relief of the Inhabitants of this Province; I must further recomēd that the Attorneys have a day set to Qualifie that the Country may know what Lawyers will, and who will not Conform to the Laws of the Country.

Cha: Calvert

Whereupon M^r Speaker and the whole House withdrew Coll^o T. Trueman Greenfield M^r Waughop and M^r Hamilton from the Lower House attend with M^r Sam^l Williamson a member Elected for S^t Marys County & M^r Dan^l Scott a member Elected for Baltimore County to see them Qualified.

Whereupon the said Williamson and Scott take the severall Oaths appointed to be taken by Act of Assembly and severally subscribe the Oath of Abjuration and Test according to the Direccon of the said Act and then withdrew

Captain Hooper and M^r Waughop from the Lower House p. 5 Deliver Col^o Holland the following message viz.

By the Lower House of Assembly March the 15th 1725/6
May it please yo^r Hon^{rs}

This House in Order to Dispatch the [publick] Business as much as in them lies, have Entred a Resolve to sit from nyne of the Clock in the forenoon till four in the afternoon and desire to know whether the times proposed be Agreeable to your Honours

Signed p Order M. Jenefer Cl. Lo. Ho.

This House Adjourns till to Morrow Morning nyne of the Clock.

Wednesday Morning March the 16th 1725.

This House met Again according to Adjournment.

Present

the honble	{	Coll ^o W ^m Holland	} Esq ^{rs}
		Coll ^o Tho: Addison	
		Coll ^o Rich ^d Tilghman	
		Coll ^o M. T. Ward	
		John Rousby	
		Benj ^a Tasker	
		Phil: Lee	

U. H. J. On reading the Message yesterday the following Answer was prepared viz.

By the Upper House of Assembly March the 16th 1725/6
Gent

This House agrees to your Message yesterday by Capt^a Hooper and M^r Waughop as to the hours of sitting for the Dispatch of the publick Busieness

Signed p Order Geo: Plater Cl Up Ho.

Which was sent by Col^o Tilghman who returns and says he Delivered it

p. 6 The Petition of the Justices of Charles County praying leave to purchase Land and erect a Court house at a certain Town at the head of Port Tob^o Creek in the said County was read and Ordered to be thus Endorsed viz.

By the Upper House of Assembly March the 16th 1725/6

The within Petition being read is reco^mended to the Consideration of the Lower House of Assembly

Signed p Order Geo: Plater Cl. Up Ho.

Which Petition so Endorst was sent down by Coll Addison who returns & says he Delivered it

A Message from the Lower House by M^r Holliday and M^r Stourton¹ viz.

By the Lower House of Assembly March 16th 1725/6
May it please Your Honours

The unseasonable meeting of an Assembly at this time requireing our utmost Diligence to Dispatch the publick Affairs of the province; this House have Entred a resolve not to proceed on any private Business this Session and Desire that your Honours will be pleased to Concurr with us therein

Signed p order M. Jenefer Cl. Lo. Ho.

To w^{ch} the following Answer was prepar'd

By the Upper House of Assembly

March the 16th 1725/6

Gent

This house Concurrs with you in your resolve Mention'd in your Message of this day by M^r Holliday and M^r Stourton

Sign^d p Order Geo. Plater Cl. Up. Ho.

¹ *Stoughton*, in Lower House Journal.

Sent by Col^o M. T. Ward who returns and says he De- U. H. J.
livered it

M^r Hamilton and M^r Scott from the Lower House attend with M^r Roger Mathews a member Elected for Baltimore County in the stead of M^r Sheredine who was not duely Elected to see him Qualified.

Whereupon the said Mathews took the severall Oaths p. 7 appointed by Act of Assembly and Subscribed the Oath of Abjuration and Test according to the Direction of the said Act and withdrew.

Col^o Holland and the rest of the members of this House present to his Honour the Governour their answer to his Speech to both Houses of Assembly in the Councill Chamber at the Opening of the Sessions which Answer is as follows viz.

To His Excellency Charles Calvert Esq^r Governor of Maryland

The humble Address of the Upper House of Assembly
May it please your Honour

The Sorrow you have been pleased to Express in your favourable Speech to both Houses of Assembly at the Opening this Session for the present Inconveniency of calling an Assembly at this unseasonable time of the year is very acceptable to us giving us a new Assureance of Your Continued resolution to Consult the welfare of this province, for which we return our most hearty thanks.

And altho we are much Concern'd for the publick Charge that must accrue, as well as for the personal fatigue of each member in both Houses Occasioned by conveneing this Assembly yet it is a Matter of some Consolation to us, to find that the Gentlemen Attorneys begin to be so nicely Scrupulous about the Oath they are required to take as a necessary Introduction to the practice of the Law, which we hope will be a means to Oblige them to a Serious Consideration & Strict Observation of that Oath if ever hereafter they shall think fit to take it.

And we are humbly of Opinion that if those Gentlemen had p. 8 always heretofore with the same Care Conscientiously Considered the Oath they took as Practitioners of the Law, without mentall Evasions and secret reservacons for quieting their own Consciences and Oppressing the good people of this province, there had been no occasion for calling an Assembly at this time; or to form the Oath which they refuse to take, and between which and the former Oath we cannot Conceive

U. H. J. any Materiall difference, the Intention and meaning of both being almost the same and Chiefly differing in that, the Express words of the latter, do more fully Explain the Intention of it, than those of the former did. However for the quieting their tender Consciencies and to Avoid any Inconveniency to their Clients, we shall readily Join our Endeavours to make any Alterations, Additions, or Amendments that can be thought necessary to render that good Law your Honour has been pleased so Earnestly to recommend to us, more effectuall and Intelligible towards the attaining those good Ends and purposes for which it was designed and for Expediteing the publick Business

Subscribed by all the members then present

March 16. 1725/6

To which his Honour made the following reply

Gentlemen.

I am very much Obliged to you for your kind Address and no Endeavours shall be wanting in me to serve the Countrey
Cha: Calvert

p. 9 A message from the Lower House by Capt^a Hooper & M^r Stourton viz.

By the Lower House of Assembly March the 16th 1725/6
May it please your Honours

We Desire your Honours will be pleased to Appoint some of the Members of your House to Join with some of the members of this House in a Committee for Drawing up a Bill relateing to the Gentlemen Practitioners of the Law.

Signed p Order M. Jenefer Cl. Lo. Ho.

To which the following answer was prepared viz.

By the Upper House of Assembly March the 16th 1725/6
Gentlemen.

As we have but a thin Board we can spare but one member therefore have appointed Philip Lee Esq^r to Join such of the members of your House as you shall Appoint in a Committee on the Subject matter mentioned in your Message by Capt^a Hooper & M^r Stourton who is ready to attend at the House of Peter Overard directly

Signed p Order Geo. Plater Cl Up Ho.

Sent by Philip Lee Esq^r

U. H. J.

M^r Hamilton and M^r Mathews from the Lower House attend with Coll^o James Maxwell a member Elected for Baltimore County in Order to see him Qualified.

Whereupon the said Maxwell takes the severall Oaths appointed to be taken by Act of Assembly subscribes the Oath of Abjuration & Test according to the Direcons of the said Act and withdrew

A Message from the Lower House by Captⁿ Dashiell and p. 10
M^r Edward Wright viz.

By the Lower House of Assembly March the 16th 1725/6
May it please your Honours

This House does appoint James Stoddart Esq^r Coll Thomas Trueman Greenfield Captⁿ George Dent and Captⁿ Levin Gale to Join with Philip Lee Esq^r Appointed by your House in the Comittee proposed who are ready to attend.

Signed p Order M. Jenifer Cl Lo Ho.

This House Adjourns till to Morrow Morning nine of the Clock

Thursday Morning March the 17th 1725/6

This House met again according to Adjournment
Present as Yesterday

The petition of Abel Makepeace on behalfe of himself & others being read is Ordered to be thus Endors't Viz.

By the Upper House of Assembly March the 17th 1725/6

The within Petition being read is recomended to the Consideracon of the Lower House of Assembly

Signed p order Geo: Plater Cl Up Ho.

Sent down by Col^o Addison who returns & says he Delivered it

The Petition of William Parks Printer being read Ordered that a Message be prepared and sent therewith to the Lower House which Message is as foll^o

By the Upper House of Assembly March the 17th 1725/6 p. 11
Gent

This House think it necessary that a Printer shou'd be Encouraged If your House Concurr therein we desire that

U. H. J. you would appoint some Members of your House to Join with some Members of our House in a Committee to treat with the Printer about his proposalls herewith sent or what else shall be thought necessary for his Encouragement in the Service of the Countrey.

Signed p Order Geo: Plater Cl Up Ho.

Sent by Coll Tilghman who says he Delivered it.

A Message from the Lower House by Coll Tho Trueman Greenfield Captⁿ Rider M^r Crabb and M^r Holliday viz.

By the Lower House of Assembly March the 17th 1725/6
May it please Your Honours

In Answer to your Message this Evening by Coll Tilghman this House does appoint Thomas Bordley Esq^r Col^o Thomas Trueman Greenfield Captain John Rider M^r Ralph Crabb and M^r James Holliday to join such of the Members of your house as by your Hon^{rs} shall be appointed in a Committee to treat with the Printer who will be ready to attend at such time and place as your Honours shall think fit

Signed p order M. Jenefer Cl Lo Ho.

To w^{ch} the following Answer was prepared

By the Upper House of Assembly March the 17th 1725/6
Gentlemen.

In answer to your Message by Col^o Thomas Trueman Greenfield Cap^t Rider M^r Crabb and M^r Holliday this House does appoint Coll^o Thomas Addison and Col^o Richard Tilghman to Join Thomas Bordley Esq^r Coll^o Tho Trueman Greenfield Captⁿ John Rider M^r Ralph Crabb and M^r James Holliday in A Co^mmittee to treat with the Printer who will be ready to attend at the house of M^r Jordan to morrow Morning at Eight of the Clock

Signed p Order Geo. Plater Cl Up Ho.

Sent by Col^o Addison & Tilghman.

This House Adjourns till to Morrow Morning nine of the Clock

Friday morning March the 18th 1725/6.

This House met again according to Adjournment.

Present as yesterday

The Remonstrance of Vachel Denton of the City of Annapolis being read is Ordered to be thus Endorst viz. U. H. J.

By the Upper House of Assembly March the 18th 1725/6

The within Remonstrance being read is recommended to teh Consideration of the Lower House of Assembly

Signed p order Geo Plater Cl Up Ho.

Sent down by Col^o Ward who says he Delivered it.

A Message from the Lower House (with a report of the Committee of Aggrievances) by M^r Benj^a Mackall and M^r Walter Smith which Report and Message is as follows viz.

By the Committee of Aggrievances March the 17th 1725/6

It is represented to your Committee as an Aggrievance that the Inhabitants of this Province are denyd the benefit of the Use of the Publick Records in the Secretarys and Com̄issarys Offices unlesse they Comply with the Terms propos'd by the Keepers of these Records which as your Com̄ittee is Inform'd is not only the payment of larger fees than has at any time been allow'd by Law for many years past but also Insisting upon money for the ffees they Claim rateing the Tobacco at Two pence p pound, severall of the Inhabitants haveing been refused their Business on any other Terms which your Com̄ittee humbly proposes to the house as a Matter worthy their Consideration and likewise that it may be very proper to Consider what kind of property the severall Officers have in those records whether they have them to keep or to Communicate, or whether they have them to set up as a merchandize at what price they please or whether they have any other right to them or Interest in them save as they are made Trustees thereof for the Use of the publick and whether or no in Case the present Officers refuse to Discharge their Trust upon reasonable Terms it may not be hoped that the Governour will take it into Consideration as Incumbent upon him to Interpose his Authority for the Redress of the Evill Complained of All which is humbly Submitted to the Consideration of the House

Signed p Order Sam^l Hepburn Cl. Com.

By the Upper House of Assembly March the 18th 1725
May it please Your Honours

Our Committee of Aggrievances haveing return'd the report herewith sent we are of Opinion that the Same is worthy of Consideration, and Recomend the same to your Honours and desire to know whether you will be pleased to

U. H. J. joyn with us in addressing his Honour the Governour for the redress of the Aggrievance Complained of.

Signed p Order M. Jenifer Cl. Lo Ho.

To which Message the following Answer was prepared

By the Upper House of Assembly March the 18. 1725/6
Gentlemen.

In Answer to your message by M^r Benj. Mackall and M^r Walter Smith and in respect to the report therewith sent from the Committee of Aggrievances relateing to the Complaints Exhibited by sundry of the good people of this province against the late Management of the Secretarys and Comissarys Offices we take leave to Observe that the Officers of those respective Offices haveing no Law to regulate their fees by, may not be thought by their late Demands so much to have offended the Inhabitants of this province if it be Considered how great a disparity and difference there is in respect to the real Value of the ffees paid to the said Officers when they are and are not upon Execution, and tho we Conceive the Insisting on money ffees to be a hardship on his Lordships Tenants as well as its being in the Option of the Officers to Demand what fees they please yet we are of Opinion that the best Remedy to prevent the Complaint for the future will be to revive the late law for regulating Officers ffees untill next Sessions of Assembly at which time there will be more leisure to Consider this Affair wth a Clause to be added that all Obligacons taken in those Offices for such ffees as have accrued since the Expiracon of the late Law to be void and those fees to be regulated and paid
p. 15 according to that Law

Signed p Order Geo. Plater Cl. Up Ho

Sent by John Rousby Esq^r who says he Delivered it

A Message from the Lower House by M^r King and M^r Mackall viz.

By the Lower House of Assembly March the 18. 1725/6
May it please Your Honours

We cannot come into the measures you propose by Your Message this day by John Rousby Esq^r as to the reviving the late Law for regulateing Officers ffees but are willing if your Honours think fit to Concur with us therein to the passing a Bill according to the regulation proposed last Sessions by the Committee of both Houses and to the Adding a Clause

as well to make void all Obligations taken in those Offices as U. H. J.
for the refunding all moneys rec^d for the fees that have
accrued since the Expiration of the late Law and those fees
to be paid according to the regulation proposed last Sessions
which we hope you will Concurr with as a happy means of
saving us the ungrateful Task of troubling his Honour the
Governor with such Sollicitations on the Occasions Mention^d
in the report of our Committee as our Duty to our Countrey
in a most particular manner Engages us to.

Signed p Order M. Jenifer Cl Lo Ho.

To which the following Answer was prepared

By the Upper House of Assembly March 18. 1725/6

Gentlemen

In Answer to your Message by M^r Mackall and M^r King
relating to Officers fees we are willing to pass a Bill according
to the regulation propos^d last Sessions by the Committee of p. 16
both Houses, with the Amendments then propos^d by this
House; together with the additional Clause propos^d in your
message.

Signed p Order Geo Plater Cl Up ho.

Sent down by Benjamin Tasker who says he Delivered it:

This House adjourns till to morrow Morning nine of the
Clock

Saturday Morning March the 19th 1725/6

This House met again according to Adjournment

Psent as Yesterday

A Bill from the Lower House by Coll^o Thomas Trueman
Greenfield & five more Entituled An Act to restrain the ill
practices of Attorneys and to prevent their takeing money
ffees and ascertaining what fees shall be allowed to Prac-
titioners in the Law who shall attend the Circuit Courts thus
Endors't viz.

By the Lower House of Assembly March the 17th 1725

Read the first time and Ordered a Second reading to
Morrow

Signed p Order M. Jenifer Cl Lo Ho

By the Lower House of Assembly March the 18th 1725

Read & Committed for Amendment.

Signed p Order M. Jenefer Cl. Lo Ho.

U. H. J. By the Lower House of Assembly March the 19th 1725
Read with Amendments & will pass.

Signed p Order M. Jenefer Cl Lo Ho.

Ordered the s^d Bill lye on the Table.

p. 17 Adjourned till Monday Morning nyne of the Clock

Monday Morning March the 21st 1725/6

This House met again according to Adjournment. Psent
as on Saturday

A Message from the Lower House by M^r Coats & M^r
Wright viz.

By the Lower House of Assembly March the 21st 1725
May it please Your Honours

In Answer to your Message of the 18th Instant by Benjⁿ
Tasker Esq^r relating to the Officers ffees we desire that your
Honours will not Insist further on the Amendments pro-
posed by your Message last Sessions but that you'll Agree
to the passing the Bill as then propos'd with the Additionall
Clause proposed in our Message of the 18th Instant by Captⁿ
King & M^r Mackall

Sign'd p Order M. Jenefer Cl Lo Ho.

Which Message being read the following Answer was pre-
pared thereto

By the Upper House of Assembly March the 21st 1725/6
Gentlemen

In Answer to your Message by M^r Coats & M^r Wright we
are Concern'd to find your refusall Signified not to Consent
to the passing the Bill fram'd last Sessions for regulateing
and Lowering Officers ffees with the Amendments pro-
posed by this House in regard we Conceive it to be a very
great Evill to A Countrey the leaving a Matter of so great
a moment without any Limitation or Bounds set to the sever-
all Offices, and in order to shew our good Inclination to
come into any Measures in our power that may tend to the
Ease & satisfaction of the good People of this province this
House hath so far Conceeded as to approve and allow of that
part of the report (of the Committee of both Houses ap-
pointed last Sessions of Assembly) touching Deputy Com-
missarys haveing full Power to pass Accounts where no
Dispute arise without the parties paying any ffee to the

Comissarys Gen^l for a Speciall Comicon for the same, with U. H. J.
which Concession it being the greatest we can Make we hope
that Bill will pass your House.

Signed p Order Geo Plater Cl Up Ho.

Sent down by Phil Lee Esq^r who says he Delivered it.

The petition of some of the late Practitioners of the Law
praying to be heard ag^t the preamble of the Bill Entituled An
Act for restraining the ill practices of Attorneys as follows
viz.

To the Honourable the Upper House of Assembly

The Petition of Some of the late Practitioners of the Law in
this province

Humbly Sheweth

That a Bill haveing pass'd the Hon^{ble} the Lower House
Entituled An Act to restrain the ill practices of Attorneys
and to prevent their takeing money ffees and ascertaining
what fees shall be allowed to Practitioners in the Law who
shall attend the Circuit Courts, which Bill Contains the fol-
lowing Preamble, Whereas the sundry Laws that have been
heretofore made to restrain the Evill practices of Attorneys
and to Ascertain their Tobacco fees in the severall Courts of
this Province have been found ineffectual in so much that
Complaints are made from sundry parts of this Province
of the Exorbitant fees taken by Councillors at Law Chamber
Councill Barristers, Attorneys and other Practitioners and
Advisers in the Law to the great Damage and Aggrievance
of the good People of this Province and Impoverishing them- p. 19
selves and familys all which this generall Assembly hath taken
into their most serious Consideration and for prevention
thereof do pray that it may be Enacted,

That no proof being Offered nor any Single Instance
given that your Petitioners or any of them were or was
guilty of any Extortion or Violation of any former Laws nor
of any other misbehaviour in their profession; they Con-
ceive themselves to labour under very great Hardships by a
Charge of so heinous a nature standing against them in a
publick Law, which Charge neither can, nor ever was At-
tempted to be proved. Your Petitioners therefore humbly
pray that they may not be deprived of the Rights of British
Subjects who by the Laws of God & their Country have an
Indubitable Tytle to the Enjoyment of their Lives Libertys,
Property and what is Dearer, their Reputation untill they
are convict of some Crime but that they may have an oppor-

U. H. J. tunity of knowing their Accusers, the particular facts with which they are Charged, and of defending themselves, That private Whispers, slanders and false Insinuacons may not be admitted as Conclusive Evidence against them; Your Petitioners hereby (as they already have in the Lower House) Challengeing and defying all or any of their Inveterate and Implacable Enemies and Calumniators to prove them guilty of any one single Instance of Extortion, Oppression Perjury or Injustice, and Offering not only to be tryed according to the known Laws of the Land, but at their own Expence to send for any Evidences their Accuser shall Name to any part
 p. 20 of the Province, or Neighbouring Colonies. Your Petitioners do not apply for any Enlargement or Alteracon of the Attorneys ffees nor for lessening the hardships contained in the said Bill against those of their profession, tho' they are able to prove beyond Contradiction that the ffees limited by the Acts of Assembly would not in the Superiour Courts and in many Cases in the Inferiour pay for one halfe of what the Attorneys are Obliged to write, without regarding what they must do as Councillours Attorneys and Sollicitors in every Case & of Prothonitary, Secondary, cursitor, Sheriffe Surveyour and Bookkeeper in many Cases, all which dutys they must Discharge or not serve their Clyents to any purpose it being matter of Indifference to your Petitioners in their present Circumstances what ffees are allowed or whether any or not. But they humbly pray for and insist on your Honours Justice to Consider whether the Act it self as it now Contains a Charge against them without their ever being Acquainted with the particular facts of which the Charge if true must Consist or giving them any opportunity of a Defence be not Destructive of those Rights and Priviledges they are Intituled to as Brittish Subjects and whether the very act it selfe can pass without a manifest Infraction of the Conditions annex by the Royall Charter to your Legislative Capacity, Viz' that the Acts you pass be Consonant to reason and be not repugn' or Contrary but as near as Conveniently may be agreable to the Laws, Statutes Customs and Rights of England

And they will ever pray

Daniel Dulany
 Thomas Bordley
 Joshua George
 Michael Howard

p 21 Ordered that the late Practitioners be heard according to the Prayer of the said Petition

A Bill from the Lower House by M^r King and M^r Gale

Entituled An Act for Limitation of Officers fees thus en- U. H. J.
dorst viz.

By the Lower House of Assembly March the 21st 1725
Read the first and Second time by an especial Order & will
pass.

Signed p Order M. Jenifer Cl Lo. Ho.

Which was ordered to lye on the Table
This House Adjourns till to Morrow nine Clock

Tuesday Morning 22^d March 1725/6

This House met again according to Adjournment.

Present as Yesterday

The following Message was prepared and sent to the Lower
House by Col^o Mathew Tilghman Ward viz.

By the Upper House of Assembly March the 22^d 1725/6
Gentlemen.

This House being inform'd that there has been some
Irregularitys in the Adjournment of Baltimore County
Court; As some of the Justices thereof are members of your
House we recomēd it to you to Enquire into the Same, in
order to bring in a Bill for preventing any Illconveniency that
may happen to that or any other Court of this province by
such an Irregular Adjournment with a provision for takeing
the Oath appointed by Act of Assembly last Sessions at some
further day then it is limited therein

Signed p Order Geo Plater Cl Up Ho.

Read the Bill to restrain the ill Practices of Attorneys &c^a p. 22
which is Ordered to be thus Endorst viz.

By the Upper House of Assembly March the 22^d 1725/6

Read and will pass with the Amendments propos'd

Signed p Order Geo Plater Cl. Up Ho.

By the Upper House of Assembly March the 22^d 1725/6
Gentlemen

Upon reading the Bill Entituled An Act to Restrain the
evil practices of Attorneys &c^a by Coll Tho Trueman Green-

U. H. J. field and five more we recomend the following Alteracons and Amendments viz. In the Attorneys Oath instead of these words (you shall increase no fees,) in the 3^d page Line the 10th these words (you shall not wittingly or willingly Increase or receive any fees) to be added; These words (or a provinciall Justice) to be added in the 4th page at the beginning of the 15th Line; at the End of the said 15th line from the word (appears) to the word (and) in the 16th line to be left out; that Liberty be given to the Defendent as well as to the Plaintiff to make Oath or return a Certificate at any time before Tryal These words (already Comenced or hereafter to be Comenced) to be added, instead of these words (now depending or hereafter to be depending) in the 2^d Line of the 7th page All such part of that Clause in the same page as relates to Attorneys paying the Costs of the severall Non suits already sustained to be left out, & only such part as relates to the ffees to be Continued: we recomend a ffee to the

p. 23 Attorney Generall of 400 ^{ls} Tobacco for attending the Circuit Courts with a Saveing Clause for his Maj^{tie} and the Lord Proprietary to Exempt them from the Oath of Pl^t and Defend^t in Cases that relate to them We further recomend either to add the following Provisoe or more fully to Explain that Clause in the last folio viz. Provided that this Act or any thing therein contained shall not Extend or be Construed to Extend to hinder any Attorney or Attorneys Practitioners or Advisers in the Law whatsoever from prosecuteing defending Comencing or Causing to be brought to finall End or Judgment any Action or Actions he or they have already brought Comenced prosecuted or defended against any person or persons in this province either in behalfe of themselves or any other which have been Comenced or brought at any time before the 6th day of October 1725 nor to debarr or hinder any Practitioners in the Law whatsoever from bringing prosecuting or defending in his or their proper person or persons any Action or Actions that relate to him or themselves Provided they or any of the Attorneys aforesaid shall make appear upon Oath before the Justices &c^a as in the Bill; Instead of these words at the Conclusion of the Act (in the same Manner as if this Law or any other to the Contrary thereof had never been made) these words to be added, (any Law Statute or Usage to the Contrary thereof in any wise notwithstanding) with which Amendments the said Bill herewith sent will pass

Signed p Order Geo. Plater Cl Up Ho.

Which Message and Bill so Endorst was sent to the Lower House by Col^o Addison who says he Delivered them

Thereupon Coll^o Thomas Addison and Coll^o Richard Tilgh- U. H. J.
man two of the members of this House Enter their Pro- p. 24
testations against Passing the said Bill which are as follows
viz.

Gent. There are two reasons that Oblige me to be against passing this Bill and they are both I think grounded on the Laws of the Land and the Liberty of the Subject (which are inseperable) and I doubt not but will always be very valueable and dear to every member of this House

The first is that the Practitioners of the Law are (contrary to Law) Condemn'd of Evil practices without Enquireing into the truth of those facts that Coñon fame only (the worst of Authors) Charges them with.

The other is that a Subject is restrained from makeing what legall Use he sees fit of one part of his Interest to preserve and defend the other; he is indeed deprived of the Liberty of using or bestowing his Effects as he sees fit, which with Submission I think was hardly ever done in an English Government Except in the Case of Superstitious uses, and some other very Extraordinary Instances.

These things Gent are so Convincing to my Conscience that I cannot Consent to passing the Bill as it stands and as I think it Contrary to Law and the Rights of the Subject I pray those reasons and my Protestacon against passing the Bill may be Entred

22^d March 1725

Tho Addison

Reasons Offered by Richard Tilghman against Passing the Bill for restraining the ill practices of Attorneys &c^a in the Upper House of Assembly the 22^d of March 1725 as follows viz^t

1st The Complaints set forth in the preamble which seems p. 25 to be the only reason for passing the Bill, do not appear to me to be well grounded.

2^{dly} The Substance of the Bill is Discourageing to the Study of the Law which I take to be a necessary Branch of Learning in order to Support our Liberty & property.

3^{dly} The Bill seems to me Contrary to reason for that it restrains every man from makeing use of such part of his property as he may think necessary to in Order to preserve the whole

Richard Tilghman

U. H. J. Read the Bill Entituled An Act for regulateing Officers fees which is Ordered to be thus Endorst viz.

By the Upper House of Assembly March the 22^d 1725
Read and will pass with the Amendments proposed
Signed p Order Geo. Plater Cl. Up Ho.

By the Upper House of Assembly March the 22^d 1725
Gentlemen

Upon reading the Bill for regulateing of Officers fees herewith sent we are of Opinion that instead of these words (25th of December next) in the 2^d line of the first paragraph these words (the end of this present Sessions of Assembly) be incerted; amongst the Comissarys fees at the End of the 7th line the word (Tobacco) to be likewise incerted Amongst the fees to the Cryer of the County Courts and Court of Assize, we find for good behaviour 27^t Tobacco which before was six^t of Tobacco only and the fees of the Cryer of Assize not on Execution In the third line of the 11th page the word (Lordship) instead of (Majesty) we think to be more proper the Navall Officer being imediately under his Lordship; and we recomend the following Provisoe to be added to the Bill, viz. Provided this Act nor any thing therein Contained shall Extend or be Construed to Extend to deprive his Lordships Secretary of his right or claim to the fee or fees usually heretofore taken for granting Special Warrants or any other matter or thing thereto relateing with which amendments this Bill will pass

Signed p order Geo Plater Cl Up Ho.

Which Message and Bill so endorst was sent down to the Lower House by Coll Mathew Tilghman Ward who says he Delivered it.

A Bill from the Lower House by Captain Rider and M^r Walter Smith Entituled A Supplementary Bill to An Act for Securing the rights and Inheritances of sundry the Inhabitants within this province thus Endorst viz.

By the Lower House of Assembly March the 22^d 1725
Read the first and second time by especial Order and will pass

Sign'd p Order M. Jenifer, Cl. Lo. Ho.

Read and Ordered to lye on the Table.
Adjourned till to Morrow Morning nine Clock

Wednesday Morning March the 23^d 1725/6

U. H. J.

This House met Again according to Adjournment
Present as yesterday Except Coll Richard Tilghman.

Col^o Thomas Addison and Coll Richard Tilghman appointed p. 27
on a Committee to treat with the Printer make report thereof as
follows viz.

To the Hon^{ble} the Upper House

Proposalls humbly Offered by William Parks

1st He the said William Parks doth propose to print a
Body of such publick Provinciall Laws as hereafter shall be
made at each Sessions of Assembly for every Member of the
Assembly each Comissioner of the peace for the time being
and for each County Court of the province to be Delivered
fairly printed & Stitch'd at any one place where he shall be
directed your Excellency and Honours allowing him for each
Sessions of Assembly Two Thousand Pounds of Tobacco
for each County every Session of Assembly.

2^d That as to the Journalls Votes Speeches and other
debates and Resolves that may happen in each Session of
Assembly the Uncertainty of their Number is so great that he
cant fix any Value for printing the whole but humbly Con-
ceives the fairest way for your Excellency and Honours as
well as for the proposer is that a certain price be limited at
so much a Sheet then there can be no hardship on either side

3^{dly} That as to the body of the Laws hitherto made in this
Province they are so Voluminous, and the charge of Printing
them will be so great that I am Suspicious least the Burden
should be thought by the Country too great at once therefore
if your Excellency and Honours agree to the above pro-
posalls and shall use proper means to Establish me for a cer-
tain number of Years; that I may think myself settled
amongst you in regard to the Country which perhaps I may
live and dye in (if so Established here) I will undertake to
Ease the publick of that Charge and Content my self with p. 28
running the Hazard of Subscriptions for it, Provided that
in all these Cases that care be taken by your Excellency and
Honours that I may have Exact Copys delivered to me in due
time

To the Hono^{ble} the Upper House

The Conferees haveing Considered the above proposalls do
make the following report therein viz.

1st As to the first we Agree thereto and that he print the

U. H. J. publick Laws and the Speeches and Answers at the Opening Each Session and that he be allowed two thousand pounds of Tobacco for each County by the respective Counties yearly.

2^d As to the second it is referred to the consideration of both Houses.

3 To the third it is proposed that he furnish every member of both Houses with A Compleat Body of the whole Laws and one for every Court and one for every Magistrate of Each Court at the rate of Twenty four Shillings Currency each, bound, to be paid by the publick.

Signed p Order Sam^l Hepburn Cl.

A Bill from the Lower House by M^r Stoddert & five more Entitled An Act for Advancement of the Value of the Staple of this province thus Endorst viz.

By the Lower House of Assembly March the 22^d 1725
Read the first time and Ordered a Second reading to
Morrow

Signed p Order M Jenifer Cl. Lo Ho.

By the Lower House of Assembly March the 23^d 1725
p. 29 Read the second time and will pass.

Signed p Order M. Jenifer Cl. Lo Ho.

Read in the Upper House and Ordered to lye on the Table.
Read the Supplementary Bill to the Act for secureing the rights and Inheritances of sundry the Inhabitants within this province which was ordered to be thus Endorst viz.

By the Upper House of Assembly March the 23^d 1725/6

We are of opinion that Vandruck Riddlesdon ought to have Liberty at any time within Eighteen months to appear by himself or his Attorney and make appear the validity of his Deeds and that a Clause be added directing Notice to be given of the passing of it by an Advertisement in the printed News Papers of Philadelphia, within three months after the End of this Sessions with which Amendments this Bill will pass.

Signed p Order Geo. Plater Cl Up Ho.

Which Bill so endorst was sent to the Lower House by John Rousby Esq^r

Two Engrost Bills from the Lower House by M^r Walter U. H. J. Smith and M^r Dent viz.

An Act Intituled An Act to restrain the ill practices of Attorneys and to prevent their takeing money ffees and Ascertaining what ffees shall be allowed to Practitioners in the Law who shall attend the Circuit Courts and

An Act Entituled An Act for Limitation of Officers fees which were severally thus Subscribed Viz

March the 23^d 1725

Read and Assented to by the Lower House of Assembly & Sign'd p Order M. Jenifer Cl Lo Ho

Which were severally read & Assented to by this House p. 30 and Ordered to be so subscrib'd

And the Paper Bills so severally Endorst were sent down to the Lower House by Phil Lee Esq^r who returns & says he Delivered them.

A Message from the Lower House by John Beale Esq^r & Col^o Belt as follows Viz.

By the Lower House of Assembly March the 23^d 1725
May it please Your Hon^{rs}

If your Honours have perused and fully Considered the Bill for Advancement of the Value of the Staple of this province we desire you would be pleased to send down that Bill to this House with your Resolutions thereupon

Signed p Order M. Jenifer Cl Lo Ho.

Thereupon the Bill for advancing of the Value of the Staple of the Province was read & Ordered to be thus Endorst viz.

By the Upper House of Assembly

March the 23^d 1725.

We are in hopes this Sessions is very near a Conclusion and therefore desire this Bill may be referred to the Consideracon of next Sessions of Assembly

Signed p Order Geo Plater Cl Up Ho.

Which Bill was sent down by Benj^a Tasker Esq^r

A Bill from the Lower House by M^r King and Captain Rider Entituled An Act to revive Continue and make valid

U. H. J. in Law all Processe and Proceedings in any of the County Courts within this province &c thus Endorst Viz.

By the Lower House of Assembly March the 23^d 1725
Read the 1st and 2^d time by especial Order and will pass
Signed p Order M. Jenifer Cl. Lo Ho.

p. 31 Which being read in this House was ordered to be further thus endorst viz.

By the Upper House of Assembly March the 23^d 1725/6
Read and will pass
Signed p Order Geo: Plater Cl Up Ho.

Which Bill so endorst was sent by Phil. Lee Esq^r who returns & Says he Delivered it.

An Engrost Bill from the Lower House by M^r Harrison and M^r Pritchard Entituled An Act to Revive Continue and make valid in Law all processe and proceedings in any of the County Courts within this Province from the first day of the County Courts held or to be holden in this month of March 1725 untill the 1st day of the severall County Courts that are to be held in the month of June 1726 thus Subscribed.

March the 23^d 1725
Read and Assented to by the Lower House of Assembly &
Signed p Order M. Jenifer Cl. lo. Ho.

Which was read and Assented to by this House and Ordered to be so Subscribed.

The Paper Bill so endorst was sent down by John Rousby Esq^r who says he Delivered it.

The following Message was prepared and sent to the Lower House by Col^o M. Tilghman Ward Viz.

By the Upper House of Assembly March the 23^d 1725/6
Gentlemen.

We desire you would send two of the Members of your House to see the Laws (that have passed the two Houses) Sealed that they may be sent to your House in Order to be presented to his Honour the Governour for his Assent thereto at the Close of this Session

Signed p order Geo: Plater Cl. Up Ho.

Thereupon Captⁿ Crabb and M^r Harrison from the Lower House attend in the Conference Chamber to see the Laws Seal'd which were afterwards Carried to the Lower House by the said Crabb and Harrison. U. H. J.
p. 32

A Message from the Lower House by Captⁿ Gordon and M^r Goldsborough viz.

By the Lower House of Assembly March the 23rd 1725
May it please Your Honours

We herewith send your Honours the Report of the Conferrees appointed to treat with the printer with which this House Concurr, and also have Entred A Resolve that the Printer be allowed after the same rate mentioned in the second Paragraph of the report for printing any the publick proceedings of last Sessions and that he be appointed and have the Character of Publick Printer to the Province with which we desire your Concurrence

Signed p Order M. Jenifer Cl Lo Ho.

To which Message the following Answer was prepared & sent by John Rousby Esq^r

By the Upper House of Assembly March the 23^d 1725
Gentlemen.

We Concurr with your House in approveing the first and third Articles Agreed on with the printer by the Conferrees; But as to the second Article propos'd we think the printing of the Journalls and other proceedings an unnecessary Charge to the publick and therefore cannot Agree to it; as to what you propose relateing to the Character of the printer his Honour the Governour Informs us that he has already licenced him to print the Laws as Printer to his Lordship which we Conceive to be a sufficient distinguishing Character

Signed p Order Geo Plater Cl Up Ho.

The Journall of the Co^mmittee of Accounts from the Lower House by M^r Beale & three others thus Subscribed, Viz. p. 33

March the 23^d 1725

Read and Assented to by the Lower House of Assembly &
Signed p Order M Jenifer Cl Lo Ho

Which was read and Assented to by this House and Ordered to be so Subscribed & sent down by Philip Lee Esq^r who Says he Delivered it

U H. J. A Message from the Lower House with the Bill for Advancing the Staple &c^a by M^r Denton and M^r Worthington viz.

By the Lower House of Assembly March the 23^d 1725.

May it please Your Honours

Tobacco the great dependance of every Inhabitant of this Province is so much over done at present that unless a Speedy remedy be applyd, all persons Concerned in it must suffer; To prevent which we most Earnestly Entreat your Honours to pass this Bill or that we may be favourd with your reasons why it will not pass; It is of the last Consequence to the Tobacco Trade, and therefore we pray a matter of so great Importance may not be deferr'd till another Sessions

Signed p Order M. Jenifer Cl Lo Ho.

To which the following answer was prepared & sent by Col^o Addison viz

By the Upper House of Assembly March the 23^d 1725
Gentlemen.

We Cannot Agree at this time to give our reasons ag^t passing the Bill herewith sent wth which we hope you will rest Satisfied and Agree to referr the same to next Sessions of Assembly

Signed p Order Geo Plater Cl Up Ho

p. 34 M^r Gale and Captain Hooper from the Lower House attend upon his Honour the Governour and acquaint him that there is no Business before them and that they wait his Honours Commands.

Whereupon Col^o Holland is sent to the Lower House to acquaint the Speaker and the whole House that his Honour the Governour requires their Attendance in the Councill Chamber imediately

Who returns and says he Delivered the Message

Thereupon M^r Speaker and the whole House attend & M^r Speaker presents to his Honour the Governour the following Laws which were signed and Assented to (on behalfe of the Right Hono^{ble} the Lord Proprietary of this province) by his Honour the Governour and sealed with his Lordships great Seale at Arms viz.

N^o I. An Act to restrain the ill practices of Attorneys and to prevent their takeing money ffees and ascertaining what fees shall be allowed to Practitioners in the Law who shall attend the Circuit Courts.

N^o 2. An Act for Limitation of Officers fees

U. H. J.

N^o 3. An Act to revive Continue and make good and Valid in Law all processe and Proceedings in any of the County Courts within this province from the first day of the County Courts held or to be holden in this month of March 1725 untill the first day of the severall County Courts that are to be held in the month of June Anno Dom 1726

After which his Honour the Governour was pleased to Conclude the Session in the Manner following Viz.

Gentlemen of the Upper and Lower Houses of Assembly

This Sessions being Concluded it remains only that I Prorogue you which I hereby do with the advice of the Councill to the second Tuesday of July next and you are required to take notice that you are Accordingly so Prorogued

23^d March 1725/6

Cha: Calvert

Thus Endeth the 13th Session of Assembly held for this Province since his Lordship the Right Hono^{ble} Charles Absolute Lord and Proprietary of the province of Maryland and Avalon Lord Baron of Baltimore has been restored to his Government of this province this 23^d day of March in the 11th Year of his said Lordships Dominion &c Annoq Dmi 1725/6

Test Geo Plater Cl Up Ho.

☞ M^m the Gentlemen of the Upper and Lower Houses had one days allowance too much in the Journall of this Sessions

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, March 15-23, 1725/6.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

At a Session of Assembly (by prorogation from the Sixth day of November last) Begun and held at the City of Annapolis in Ann Arrundell County on Tuesday the fifteenth day of March Anno Domini 1725 Appear'd in the Lower house of Assembly of the same Province The following Members, Viz.

L. H. J.
Calvert
Papers
(778)
p. 1

For Saint Mary's County

M^r Samuell Williamson
Coll. Thomas Truman
Greenfield
Capt. Just. Jordan

For Kent County

James Harris Esq^r
M^r Philip Kennard
M^r Marmaduke Tilden
M^r Simon Willmer

For Ann Arrundell County

Thomas Bordley Esq^r
John Beale Esq^r
M^r Richard Warfield
M^r Tho^s Worthington

For Calvert County

M^r Benj^a Mackall
Maj^r Anderton Skinner
M^r Walter Smith

For Charles County

Cap^t George Dent
Cap^t Joseph Harrison
M^r Henry Holland Hawkins

For Somerset County

Cap^t Robert King
Cap^t George Dashiel
Cap^t Levin Gale
W^m Stoughton Esq^r

For Talbott County

M^r James Hollyday
M^r Nich^s Goldsborough
M^r Benj^a Pemberton

For Dorchester County

Cap^t Henry Hooper
M^r Edward Pritchett
Cap^t John Rider
M^r John Kirke

For Cecill County

Liev^t Col^o John Ward

For Baltemore County

M^r William Hamilton
M^r Daniell Scott

For Prince Georges County

James Stoddert Esq^r
M^r Ralph Crabb
Liev^t Co^{ll} Joseph Belt

For the City of Annapolis

Robert Gordon Esq^r
Vachell Denton Esq^r

For Queen Anns County

M^r Edward Wright
M^r Sol^o Wright
M^r John Chairs
M^r William Elliott

Who being a sufficient Number to Make an House,

L. H. J. Ordered that James Stoddert and John Beale Esq^r go to the Upper House to Acquaint his Honour the Govern^r thereof They Return and say they delivered their Message

Col^o Holland from the Upper House Acquaints M^r Speaker that his Hon^r the Gov^r Requires him and the whole house to Attend him immediately in the Upper house and withdrew.

Thereupon M^r Speaker with the whole House go to the Upper House where his Hon^r the Gov^r was pleas'd to make the following Speech, Viz.

Gentlemen of the Upper and Lower Houses of Assembly.

p. 2 I am Sorry to Convene You at this unusuall time of the year, but it is Occasioned by the Gentlemen of the Law, who refuse to plead the Causes begun before the Act made Last Sessions Relateing to Attorneys; It is very hard the Clients should pay the ffees in those Causes & be nonsuited: What the Gentlemen practitioners said in the Chancery Court was, that the Letter of the Law restrained them from pleading any Causes whatsoever, Except they took the Oath appointed by the Act. I could not be of their opinion, And therefore gave them leave to plead the old Causes if they would have so done, for it would be a very great Absurdity to Suppose the Attorneys should Swear they would not take any ffee more than the Act allows, when they had already taken more or to Suppose Certificates of the Client's Oath Could be returned to the Courts before we had an Act to direct it so to be. A Judge should determine According to an Equitable Construction for tis madness to Suppose Impossibilitys, Therefore I cannot think the Act wants any Amendment in this pticular; What opinion other Courts have been of, And what has passed therein, you Gentlemen of the severall Countys are best acquainted with.

Another fflaw the Gentlemen have found out is, that tho' a Merchant is represented here by his Attorney Nevertheless the Merchant must Swear. The Assembly could never Suppose such an Absurd thing, therefore it is Equally as mad as the first I have mencōned and must have been from some Slip of the pen in Transcribing the Act. Great Hopes are built on this pticular that the Merchants will make Interest to get a dissent to the Act. However to be out of Doubt, It is very Easy to draw a new Act with what Little alterations may be thought proper.

I Cannot help thinking it a Just and good Law, for nothing is taken from the Attorneys that was Allowed by Law (if it appears otherwise it was not design'd) And the poor are upon an Equall footing of Justice with the Rich. The poor cannot

raise Money, I am sensible of their Condition, And it is my L. H. J. duty to protect them in a more particular Maner, who are least Able to help themselves.

At the same time that I am mentioning the hardships on one side, I should be unjust to the Gentlemen of the Law, If I did not take notice of that part of the Act which allows the planter, at his Election to give an Attorney for his Advice One hundred pounds of Tobacco, or Ten Shillings Currency. If it be reduced to a Certainty and out of Eithers Choice the Objection now rais'd will Cease

Gentlemen.

I have nothing more to Offer Except I have Occasion given in the Course of the proceedings of this Sessions and shall conclude with recomending dispatch, that the Country may be at as little Charge as possible And I must further recomend, in order to put this Law mentioned upon as Equall a footing of Justice as possible that no Generall or Speciall Retainers be suffered and that whoever applys first to an Attorney that Attorney shall be obliged to undertake his Cause, or not be Concerned on the Other side This may Create some Cavills p. 3 And the Attorney may say he will not be concerned for the pson applying because his Cause seems unjust But this Objection is Easily Answered, for certainly One side must be in the Wrong, And I am apt to think that those who are well wishers to this Law will be thought so by the practitioners. Therefore I recommend this to your Consideration. And as I am determind to Support this Law which is the best that Ever was Enacted for the Relief of the Inhabitants of this Province, I must further recomend, that the Attorneys have a Day set to Qualifie, that the Country may know what Lawyers will and who will not Conform to the Laws of the Country

Cha Calvert

Afterwards M^r Speaker with the Rest of the members Returns to their own House where M^r Speaker Resumes the Chair and Reports what his Hon^r the Gov^r had before said.

The Rules of the House agreed to and set up accordingly.

M^r Samuell Williamson a member returned Last Sessions to Serve for Saint Mary's County and M^r Daniell Scott for Baltimore County being absent last Sessions thro' Indisposition appear in the House.

Ordered that Col^o Greenfield M^r Waughop and M^r Hamilton go to the Upper House to see them Qualified

They Return and say they see them Qualified, thereupon they took their places.

L. H. J. Resolved that this House will sit to do Business from nine of the Clock in the forenoon till four in the Afternoon and thereupon the following Message is prepared viz.

By the Lower House of Assembly

March the 15th 1725

May it please Yo^r Hon^{rs}

This House in Order to dispatch the publick Business as much as in them lyes have Entred a Resolve to sit from nine of the Clock in the forenoon till four in the Afternoon and desire to Know whether the Times proposed be Agreeable to Yo^r Hon^{rs}

Signed p ord^r M. Jenifer Cl. Lo: Ho.

Which was sent to the Upper House by Cap^t Hooper and M^r Waughop. They Return and say They delivered it.

The House adjourns till to morrow Morning nine of the Clock

Wednesday March the 16th 1725.

The House meets According to Adjournm^t

Yesterday's proceedings are read

Col^o Tilghman from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper house of Assembly

March the 16th 1725

Gentlemen.

This House agrees to Yo^r Message Yesterday by Cap^t Hooper and M^r Waughop as to the hours of sitting for the dispatch of the publick Business.

Signed p ord^r Geo. Plater Cl. Up. Ho.

p. 4 Resolved that this House will not Proceed on any Private Business this Sessions And thereupon the following Message is prepar'd Viz.

By the Lower House of Assembly

March the 16th 1725

May it please Your Hon^{rs}

The unseasonable meeting of an Assembly at this Time Requiring Our utmost diligence to Dispatch the Publick Affairs of the pvince, This house have Entred a Resolve not to proceed on Any private Business this Sessions and desire that your Hon^{rs} will be pleas'd to Concurr with us therein

Signed p ord^r M. Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r Hollyday and L. H. J. M^r Stoughton. They return and say they delivered it.

Col^l Addison from the Upper House delivers M^r Speaker the Petition of the Justices of Charles County Court praying leave to bring in a Bill for the removing their County Court House thus Endorst Viz.

By the Upper House of Assembly March the 16th 1725

The within petition being read is recomended to the consideration of the Lower House of Assembly

Sign'd p order Geo. Plater Cl. up. Ho.

Col^o Ward from the Upper House Delivers M^r Speaker the following Message viz.

By the Upper House of Assembly March the 16th 1725

Gent.

This House Concurrns with you in Your Resolve menconed in Your Message this Day by M^r Hollyday & M^r Stoughton

Signd p order Geo Plater Cl. Up. Ho.

M^r Roger Mathews a Member return'd to serve for Baltimore County Appears in the House Ordered that M^r Hamilton and M^r Scott go to the upper house to see him Qualified They return and Say they see him Qualified Thereupon he took his place

Col^l Thomas Truman Greenfield from the Committee of Elections and priviledges Returns the following Report Viz.

By the Comittee of Elections & Priviledges 16 March 1725

Wee of the Comittee haveing Viewed and Examined the Indentures of M^r Roger Mathews a member Returned to serve for Baltemore County Do find him Duly Elected

Signd p order John Gibson Cl. Come.

Thomas Bordley Esq^f haveing represented to this House that since the last Sessions of Assembly he has been reflected on by M^r Nicholas Goldsborough a Member of this House as haveing been the Occasion of Prolonging the Last Sessions of Assembly a fort night Longer than Otherwise it would have Continued

It is the Opinion of this House that such Reflections are Scandalous and Groundless And that the said Bordley Acted no otherwise therein than as well became a Member of this

L. H. J. House not to the delay but for the dispatch of the publick Business.

The Answer to his Hon^r the Governours Speech being prepared by the Committee of Laws was read and approved of and ordered to be Entred as follows Viz.

p. 5 To the Hon^{ble} Charles Calvert Esq^r Governour of Maryland.

The humble Address of the House of Delegates.

May it please Your Honour.

We are fully convinced not only from the Concern Your Honour hath Expressed in Your Speech at the opening of this Sessions but Likewise from the whole Course of Your Conduct ever since you have presided over us, with what Regret it must be to Your Honour to Call an Assembly at this unseasonable time of the Year: But since the Welfare of this pvince requires it, we shall proceed with the greatest Candour and Expedition we are capable of to Consider of the severall particulars your Honour hath been pleased so Earnestly to recomend to Our Consideration in relation to the Gentlemen of the Law and shall on Our Part as much as in us lies Endeavour to form such a new Bill in relation to those Gentlemen as may not be lyable to the objections made by them Against the present Act, And if in the Course of the proceedings of this Session any other matter or thing shall be found absolutely needfull at this p^sent Juncture to be done for the Welfare of the Inhabitants of this province we shall Exert Ourselves with the like Application for the Speedy dispatch thereof so as to bring this Session to a Conclusion with the Least Charge that may be to the Publick

Sign'd p order of the House R Ungle Speaker

March the 16th 1725/6

Which was sent to his Hon^r the Gov^r by M^r Stoddert and seven others.

They Return and say they Delivered it.

The following Message prepared Viz.

By the Lower House of Assembly March 16th 1725/6

May it please Your Hon^{rs}

We Desire Your Honours will be pleas'd to Appoint some of the members of Your House to Join with some of the Members of this House in a Comittee for the drawing up a Bill Relateing to the Gentlemen practitioners of the Law.

Sign'd p order. M. Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by Cap^t Hooper and L. H. J. M^r Stoughton

They return and say they have delivered it

Philip Lee Esq^r from the Upper House delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly March 16th 1725/6

Gent

As we have but a thin Board we can Spare One Member Only Therefore have Appointed Phillip Lee Esq^r to Join such of the Members of your house as you shall appoint in a Committee on the Subject matter Mencōned in your Message by Cap^t Hooper and M^r Stoughton who is ready to Attend at the house of Peter Overard Directly

Signed p order Geo: Plater Cl. Up. Ho.

Thereupon this House do's Appoint James Stoddert Esq^r Col^o Tho^s Truman Greenfield Cap^t George Dent & Cap^t Levin Gale to Join the said Philip Lee Esq^r in that Committee

Coll^o James Maxwell A member return'd last Session to Serve for Baltemore County being hitherto Absent thro' Indisposition Appears in the house Ordered that M^r Hamilton and M^r Mathews go to the upēr House to see him qualified

They Return and say they see him Qualified Thereupon p. 6 he took his place

The Petition of Mary Orrell praying Leave to bring in a Bill for the Sale of Sundry Houses and Lotts of Land in Cambridge Town is Referrd till next Sessions And that in Case the petition^r gives notice to the persons concern'd the same may be then heard

Vachel Denton Esq^r is desired to Acquaint the Rev^d M^r Humphreys that this house desires him to Read Divine Service During this Session at half an hour After seven of the Clock in the forenoon and at four in the Afternoon

He Returns and Says he has acquainted the said M^r Humphreys thereof and that he is willing to Comply with the Request of the House therein.

The following Message is prepared Viz.

By the Lower House of Assembly March the 16th 1725/6

May it please yo^r Hon^{rs}

This House do's Appoint James Stoddert Esq^r Col^l Thomas Trueman Greenfield Capt George Dent and Cap^t Levin Gale

L. H. J. to Join with Philip Lee Esq^r Appointed by your House in the Committee proposed who are ready to Attend.

Sign'd p Order M. Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by Cap^t Dashiell and M^r Edw^d Wright

They Return and Say they Delivered it.

The petition of Levin Hicks and Thomas Hicks Devises of Maj^r Thomas Hicks and of John Davis Son and heir at Law of Jeremiah Davis deceased is referr'd till next Sessions, And in Case the petⁿ give Notice to the parties Concern'd the same may be then heard.

The house Adjourns till to morrow Morning nine of the Clock.

Thursday March the 17th 1725/6

The House meets According to Adjournment.

Yesterdays proceedings are Read.

On the Motion being made the Question was put whether there shall be any Tobacco Law or not And it was carried in the Affirmative

Thereupon the Committee of Laws are ordered to prepare the heads of a Bill.

The following Report on the petition of Thomas Larkin Gent Complaining of the Justices of Ann Arrundell County Court being return'd from the Committee of Aggrievances and Courts of Justice is thought worthy the Consideracōn of the House and is as follows Viz.

By the Committee of Aggrievances & Courts of Justice

March 16th 1725

The within Petition being perused and the Letters that the Pet^r stands Charged with writing as they remain in the County Clerks hands which this Committee understands to have been the Chief Grounds of the proceedings Against him Your Committee Conceive the same petition is worthy to be enquired into as it contains a Charge against One of the Justices for a manifest oppression Against the Liberty and Property of a Subject and Charges the Court with Inflicting a punishment upon the petition^r for Complaining of it as a hardship and seeking redress in an inoffensive way from the Magistrate that had Injured him

Sign'd p order Sam. Hepburn Clk Come

The further Consideracōn whereof is Referr'd till next L. H. J. Sessions and ordered that the Justices of Ann Arrundell ^{P. 7} County have notice to Appear then to answer the Charge Agt them.

Cap^t Henry Hooper haveing represented to this House that some persons have industriously rais'd a Report that in the Last Session of Assembly He propos'd that the Children of Debtors should be sold towards the discharge of the Debts of their parents in order to bring a Scandall on the said Hooper as a Member of this House,

It is the opinion of this House that the said Report is false scandalous and Groundless no such thing haveing been offered by the said Hooper in or to this House.

M^r Speaker Communicates to this House his Hon^r the Gov^rs Answer To the address of this House of Yesterday and is as follows Viz.

Gentlemen.

I Return you my sincere and hearty Thanks for Your Kind Address and shall Alway's Readily Concurr in Any thing that can be for the Reall Good of this province

Cha : Calvert

Col^o Addison from the Upper House delivers M^r Speaker the Petition of Abel Makepeace on behalf of himself and severall others praying that on transporting themselves and familys to setle the back parts of this province they may be Levy free for a Certain Term of years Thus Endorst Viz.

By the Uper House of Assembly March the 17th 1725

The within petition being read is recomended to the consideracōn of the Lower House of Assembly

Sign'd p order Geo. Plater Cl. Up. Ho.

Which was Read and referr'd till next Sessions for further Consideracōn

The following Report bro^t in from the Committee of Aggrievances Viz.

By the Comittee of Aggrievances

March the 17th 1725

It is represented to Your Comittee as an Aggrievance that the Inhabitants of this Province are denyed the Benefite of the use of the publick Records in the Secretarys and Comissarys

L. H. J. Offices unless they Comply with the Terms proposed by the Keepers of those Records which as your Committee is [informed is not only the payment of larger fees than has at any time been] allowed by Law for many years past but also insisting upon Money for the fees they Claime Rating the Tobacco at two pence p pound severall of the Inhabitants haveing been refused their business on any other Terms which your Committee humbly proposes to the House as a Matter worthy their Consideration and likewise that it may be very proper to consider what kind of property the severall Officers have in those Records whether they have them to keep or Communicate or whether they have them to set up as a merchandise at what price they please or whether they have any other Right to them or interest in them save as they are made Trustees thereof for the use of the publick And whether or no in Case the present Officers refuse to discharge their trust upon reasonable terms it may not be hoped that the Governour will take it into Consideracōn as Incumbent upon him to interpose his Authority for the redress of the Evill Complained of All which is humbly submitted to the Consideration of the house

Signd p Order Sam^l Hepburn Clk Com.

The further Consideracōn whereof is referr'd till to morrow morning.

p. 8 A Bill to restrain the Evill practises of Attorneys &c was read the first time and ordered a second reading to morrow Morning.

Col^o Tilghman from the Upper house Delivers M^r Speaker The petition of William Parks printer with the Sundry proposals for printing the Lawes and other publick proceedings in the Generall Assembly for the use of the publick with the following Message Viz.

By the Upper House of Assembly March the 17th 1725/6
Gent.

This house think it necessary that a printer should be encouraged If your house Concurr therein We desire that you would appoint some Members of Your House to Join some Members of our house in a Comittee to treat with the printer About his proposals herewith Sent or what Else shall be thought necessary for his Encouragement in the Service [of] the Country

Signd p order Geo. Plater Cl Up. Ho.

Thereupon this House do's appoint Tho^s Bordley Esq^r Col^o L. H. J. Greenfield Cap^t Rider M^r Crabb and M^r Holliday to Join the Members to be Appointed by the Upper House in that Comittee and the following Message prepared Viz.

By the Lower House of Assembly March the 17th 1725
May it please Yo^r Hon^{rs}

In answer to Your Message this Evening by Col^o Tilghman this House do's Appoint Tho^s Bordley Esq^r Col^o Thomas Truman Greenfield Cap^t John Rider M^r Ralph Crabb & M^r James Holliday to Join such of the Members of your House as by Your Honours shall be Appointed in a Comittee to treat with the printer who will be ready to attend at such time and place as your Honours shall think fitt

Signd p order M. Jenifer Clk Lo: Ho.

Which was Sent to the Upper House by Co^l Greenfield and Three Others

They return and Say they Delivered it

The House adjourns till to morrow Morning nine of the Clock

Friday March the 18th 1725.

The House meets according to Adjournment

Yesterday's proceedings are Read

M^r Kennard, Col^o Herman, Maj^r Maldin & M^r Johnson appear in the House

Col Addison and Col^o Tilghman from the Upper house Deliver M^r Speaker the following Message Viz.

By the Upper House of Assembly March the 17th 1725
Gentlemen

In answer to your Message by Col^o Tho^s Truman Greenfield Cap^t Rider M^r Crabb and M^r Holliday this house do appoint Col^o Thomas Addison and Col^o Richard Tilghman to Join Thomas Bordley Esq^r Col^o Thomas Truman Greenfield Cap^t John Rider M^r Ralph Crabb and M^r James Holliday in a Comittee to treat with the printer who will be ready to attend at the house of M^r Jordan to morrow Morning at Eight of the Clock

Signd p order Geo Plater Cl Up Ho.

L. H. J. Resolved that such of the Publick proceedings of the last Sessions of Assembly as are necessary be printed.

The Report of the Committee of Aggrievances of Yesterday Sent to the Upper House by M^r Mackall and M^r Smith with the following Message Viz.

By the Lower House of Assembly March the 18th 1725
May it Please Your Honours.

Our Committee of Aggrievances haveing returnd the Report p. 9 herewith sent, we are of opinion that the same is worthy of Consideration and recomend the same to Your Honours and desire to know whether You will be pleas'd to Join with us in Addressing his Honour the Gov^r for the Redress of the Aggrievance Complained of

Signd p order M. Jenifer Cl. Low. Ho.

They return and Say they delivered Them.

The Petition of Sundry Inhabitants of Baltemore County Complaining of an undue Election of M^r Roger Mathews a Member returnd to Serve for Baltemore County this Sessions was read and referr'd to the Committee of Elections and priviledges for their Examination and report therein.

Col^o Ward from the Upper House Delivers M^r Speaker the Remonstrance of Vachell Denton Esq^r setting forth that by his Endeavouring to save Sundry publick Records at the time when the said Dentons house was burnt he lost to the Value of a considerable Sum of Mony, And praying that the Generall Assembly would be pleas'd to take the same into Consideration thus Endorst Viz.

By the Upper house of Assembly March the 18th 1725

The within Remonstrance being read is recomended to the consideracōn of the Lower House of Assembly

Signd p order Geo. Plater Clk Up. House.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly

March the 18th 1725

Gentlemen.

In answer to Your Message by M^r Benj. Mackall and M^r Walter Smith and in respect to the Report therewith Sent from the Committee of aggrievances Relateing to the Complaints Exhibited by Sundry of the Good people of this prov-

ince against the Late Management of the Secretarys and L. H. J.
Comissarys Offices: We take leave to Observe that the
Officers of those respective offices haveing no Law to Regu-
late their ffees by may not be thought by their Late Demands
so much to have Oppress'd the Inhabitants of this province
if it be considered how great a disparity and Difference there
is in respect to the Reall value of the ffees paid to the said
Officers when they are and are not upon Execution; And
tho we conceive the insisting on Mony ffees, to be a hardship
on his Lordships Tenants as well as its being in the option of
Officers to demand what ffees they please, Yet we are of
opinion that the best remedy to prevent the like Complaints
for the future will be to revive the Late Law for regulating
Officers ffees untill next Sessions of Assembly at which time
there will be more Leisure to Consider of this Affair with a
Clause to be added that all Obligations taken in those Offices
for such ffees as have Accrued since the Expiration of the
Late Law be void and those ffees to be Regulated and paid
according to that Law.

Signd p Order Geo: Plater Clk Up Ho.

In answer whereto the following Message is prepared Viz.

By the Lower House of Assembly March the 18th 1725
May it please Your Honours.

We cannot come into the Measures you propose by Your
Message this day by John Rousby Esq^r as to the reviving the
Late Law for regulating Officers ffees But are willing, if your
Honours think fitt to concurr with us therein to the passing
a Bill according to the Regulation propos'd Last Sessions
by the Comittee of both houses, and to the adding a Clause
as well to make void all obligations taken in those offices as
for the refunding all Moneys received for the ffees that have
accrued since the Expiration of the late Law and those
ffees to be paid According to the Regulation proposed last
Sessions which we hope you will Concurr with, as a happy
means of saving us the ungratefull Task of troubling his
Honour the Governour with such solicitations on the occa-
sions menconed in the Report of our Comittee as our duty to
Our Country in a most p^ticular maner Engages us to

Signd p order M. Jenifer Cl. Lo. House.

Which was sent to the upper House by Cap^t King and M^r
Mackall. They Return and say they delivered it

L. H. J. Benj^a Tasker Esq^r from the upper House delivers M^r Speaker The following message viz.

By the Upper House of Assembly March the 18th 1725
Gentl.

In Answer to Your Message by M^r King and M^r Mackall Relateing to Officers fees we are willing to pass a Bill according to the Regulation propos'd Last Sessions by the Committee of both houses with the amendments then propos'd by this House together with the additional Clause propos'd in your Message

Sign'd p Order Geo. Plater Cl. Up. Ho.

On Reading again the Petition of Abel Mackpeace the same is nemine contradicente approv'd of and it is likewise Resolved that the persons mencōned in that petition shall be exempt from paying any Levies for the Space of Ten Years to Comence from the time of their comeing into this province and that all other Reasonable Encouragement shall be given to the Pet^r by an Act to be past in his favour, But in regard this House has Entred a Resolve not to proceed on any private Business this Sessions, the passing of such Act is Referr'd till next Sessions

The House Adjourns till to morrow Morning nine a Clock

Saturday, March the 19th

The House meets according to Adjournment.

Yesterdays proceedings are read

On reading the Remonstrance of Vachel Denton Esq^r Resolved that in Recompence for his great Care and pains in preserving the publick Records he be allowed the sum of seventy five pounds Current money to be paid by the Publick And ordered that the Committee of Accompts allow the same accordingly.

The Bill to regulate the Evill practices of Attorneys &^e was read again this day and severall Attorneys being desirous to be heard thereto before the passing thereof, Thomas Bordley and Daniel Dulany Esq^m appearing in the house to offer their Reasons Ag^t the same were heard and withdrew. Then the Question was put whether the Clients Oath shall be taken out of the Bill or not? And it was Carried in the negative.

Then the Bill was Amended According to some of the reasons offered by the said Thomas Bordley and Daniel

Dulany Esq^r and past and was so Endorst and sent to the L. H. J. Upper House by Col^o Greenfield and five others.

They Return and Say they deliverd it

The House adjourns till Monday Morning nine of the Clock

Monday March the 21st 1725

The House meets According to Adjournment.

Saturdays proceedings are Read.

M^r Tilden Appears in the House

The following Message is prepared Viz.

By the Lower House of Assembly March the 21st 1725

May it please your Honours.

In answer to Yo^r Message of the 18th Instant by Benj^a Tasker Esq^r relateing to the Officers fees, we desire that Your Honours will not insist farther on the Amendments propos'd by your Message last Sessions but that you'll agree to the passing the Bill as then propos'd with the additionall Clause propos'd in our Message the 18th Instant by Cap^t King and M^r Mackall. p. 11

Signd p order M. Jenifer Cl. Low. Ho.

Which was sent to the Upper House by M^r Courts and M^r Sol^o Wright.

They Return and say they Deliver'd it

M^r Gant appears in the House

The Committee appointed to treat with the printer return the following proposalls and Report Viz.

Proposals humbly offer'd by William Parks

1st He the said William Parks doth propose to print a Body of such publick Provinciall Laws as hereafter shall be made at Each Session of Assembly for Every Member of the Assembly, Each Comissioner of the peace for the Time being and for Each County Court of the Province to be delivered fairly printed and stiched at any one place where he shall be directed your Excellency and Honours allowing him for Each Sessions of Assembly Two Thousand pounds of Tobacco for Each County Every Sessions of Assembly.

2^d That as to the Journals Votes, Speeches and other debates and Resolves that may happen in Each Session of Assembly the uncertainty of their number is so great that

L. H. J. he cannot fix any Value for printing the whole But humbly Conceivs the fairest way for Your Excellency and Honours as well as for the proposer is that a Certain Price be Limited at so much a Sheet. Then there Can be no hardship on Either Side.

3^{dy} That as to the Body of Laws hitherto made in this Province they are so Voluminous, and the Charge of Printing them will be so great that I am Suspicious Lest the burthen should be thought by the Country too great at once Therefore if Your Excellency and Honours agree to the Above proposalls and shall use proper Means to Establish me for a Certain number of Years that I may think myself settled Among you in Regard to the Country which perhaps I may Live and die [in] (if so Established here) I will undertake to Ease the publick of that Charge and Content my self with runing the hazard of subscriptions for it provided in all those Cases that Care be taken by Your Excellency and Honours that I may have Exact Copies deliver'd to me in due time.

To the Hon^{ble} The Lower House.

Wee of the Conferees haveing considered the within proposalls do make the following Report therein Viz.

As to the 1st we agree thereto with this alteracon that he print the publick Laws and the Speeches and Answers at the opening Each Session and that he be allowed Two Thousand pounds of Tobacco for Each County by the Respective Countys Yearly.

To the 2^d It is proposed that he be allowed for printing the Journalls, Votes, Speeches and other debates and Resolves Each Sessions at the Rate of twenty Shillings p sheet and that he furnish Each Member a Copy of them And that the Encouragement given the printer Continue Seven Years this Agreed to Only by the Members of the Lower House

To the 3^d It is propos'd that he furnish Every Member of both Houses with a Compleat Body of the whole Laws and one for Every Court and one for Every Magistrate of Each Court at the Rate of Twenty four shillings Each bound to be paid by the publick This proposall is Likewise agreed to by the Conferees.

Signd p order Sam^l Hepburn Clk Conferees.

p. 12 Which being read this House approves thereof and it is Resolved that the said Parks be allowed after the Rate mencōned in the second Paragraph of the Report for printing any the publick proceedings of the last Sessions, And that he

be Appointed and have the Character of publick printer To L. H. J. the province.

Philip Lee Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly March the 21st 1725/6
Gent.

In Answer to Your Message by M^r Courts and M^r Wright we are Concern'd to find your Refusall signified not to consent to the passing the Bill framed last Sessions for Regulating and Lowering Officers fees with the Amendments propos'd by this House in regard we conceive it to be a very great Evill to a Country the leaving a Matter of so great moment without any Limitation or bounds set to the severall offices, And in order to Shew Our good Inclinations to come into any Measures in our power that May tend to the Ease and Satisfaction of the Good People of this Province, this House hath so farr conceded as to approve and allow of that part of the Report of the Committee (of both Houses Appointed last Sessions of Assembly) Touching D^{ty} Comissarys haveing full power to pass accompts where no disputes arise without the parties paying any fee to the Comissarys Generall for a Speciall Comission for the same with which Concession it being the greatest we can make we hope that Bill will pass Your house

Signd Order Geo: Plater Clk. Up^r Ho.

With which this house Concurrs and Ordered the Committee of Laws frame the Bill Accordingly.

The heads of a Tobacco Bill Bro^t in by the Committee of Laws were Read of and ordered the Committee of Laws prepare a bill according thereto.

A Bill to Regulate Officers fees was Read the first & Second Times by Especiall order and past which was so Endorst and sent to the Upper House by Capt King and Cap^t Gale

They Return and say they deliver'd it

Forasmuch as it is Represented to this House And for that it appears from the observation of the Publick that the Severall Counties within this province as well as the publick are burthened with Excessive Charges by paying Criminall Servants fees, for prevention whereof the Question was put whether a Bill shall be brought in or not. Resolved nemine Contradicente that a bill be brought in Accordingly.

The House adjourns till to morrow Morning nine a Clock.

L. H. J.

Tuesday March the 22^d 1725

The house meets According to Adjournment
Yesterdays proceedings are Read.

Col^o Ward from the Upper house delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly

March the 22^d 1725

Gent.

This House being inform'd that there has been some Irregularity in the adjournment of Baltimore County Court as some of the Justices thereof are members of Your House we recomend it to you to Enquire into the same in order to bring in a Bill for pventing any Inconveniency that may happen to that or any other Court of this province by
p. 13 such an Irregular Adjournment with a provision for Taking the Oath Appointed by Act of Assembly Last Sessions at some further day than was Limited therein.

Sign'd p order Geo. Plater Cl. Up. Ho.

Which being read, ordered that the Committee of Laws prepare a Generall Bill pursuant to that Message.

Col^o Addison from the Uper House Delivers M^r Speaker the Bill to restrain the Evill practices of Attorneys &c. Thus Endorst Viz.

By the Upper House of Assembly March the 22^d 1725

Read and will pass with the Amendments propos'd

Signd p Order Geo: Plater Cl. Up. House.

And delivers the foll^o Message Viz.

By the Upper House of Assembly

March 22^d 1725

Gent.

Upon Reading the Bill by Col^o Greenfield and five others Entitul'd An Act to restrain the ill practices of Attorneys &c. We Recomend the following Alteracōns and amendements viz. in the Attorneys Oath Instead of these words (you shall Encrease no ffees) In the Third Page Line the Tenth, these words (you shall not wittingly or willingly Encrease or receive Any ffees) To be added; these words (or a Provinciaall Justice) to be added in the fourth page, at

the begining of the 15th Line; [at the end of the 15th line af^d, L. H. J. from the word (appears)] to the word (and) in the 16th Line to be left out; that Liberty be given to the defendant as well as the plaintiff to make oath or return a Cert. at any time before triall; these words (already Comenced or hereafter to be Comenced) to be Added instead of these words (now depending or hereafter to be depending) in the second Line of the 7th page; all such part of the Clause in the same page as relates to Attorneys paying the Costs of the Severall Non suits already sustain'd [to] be left out and only such part as relates to the ffees to be continu'd. We recomend a [ffee to the Attorney General of 400^{ls} Tobacco for attending the Circuit Court with a] saveing Clause for his Maj^{ty} and the Lord Proprietary to Exempt them from the Oaths of Pl^t & Def^t in Cases that Relate to them; we further Recomend [either to add] the following proviso or further to Explain that Clause in the last [folio] Viz. Provided that this Act or any [thing] therein Contain'd shall not Extend or be construed to Extend to hinder any Attorney or Attorneys Practitioners or Advisors in the Law whatsoever from prosecuting Defending Comencing or causing to be brought to finall End or Judgment Any Action or Actions he or They have already brought Comenced prosecuted or Defended Against any pson or persons within this province Either in behalf of themselves or any other which have been comenced or brought at any time before the Sixth day of October 1725 nor to debarr or hinder any practitioner in the Law whatsoever from bringing Prosecuting or defending in his or their proper person or persons Any Action or Actions that relate to him or themselves provided they or any the Attorneys af^d shall make Appear upon Oath before the Justices &c (as in the Bill); at the Conclusion of the Act instead of these words (in the Same maner as if this Law or any Other to the Contrary thereof had never been made) These words to be added (any Law Statute usage or Custom to the Contrary thereof in any wise notwithstanding) with which Amendments the Bill herewith sent will pass.

Sign'd p order Geo. Plater Cl. Up. Ho.

With which this House Concurrs and Ordered that the Comittee of Laws amend the same Accordingly.

A Supplementary Bill to the Act for securing the Rights p. 14 & Inheritances of sundry Inhabitants within this province &c. was read the first and second times by Especiall order and past which was so Endorst and sent to the Upper House by Cap^t Rider and M^r Smith.

L. H. J. They Return and Say they Delivered it.

A Bill for advancing the Staple of this Province was Read the first time and ordered a second Reading to morrow.

The House adjourns till to morrow morning nine a Clock

Wednesday March the 23rd 1725

The House meets according to Adjournment.

Yesterdays proceedings are Read.

Col^o Ward from the Upper House delivers M^r Speaker the Bill for Regulating officers fees thus Endorst Viz.

By the Upper House of Assembly March the 22^d 1725

Read and will pass with the Amendments propos'd

Sign'd p order Geo. Plater Cl. Up. Ho.

And delivers the following Message Viz.

By the Upper House of Assembly March 22^d 1725/6
Gentlemen.

Upon reading the Bill for regulateing Officers fees here-with sent we are of opinion that instead of these words (25th day of December next) in the Second line of the first paragraph these words (the end of this present Session of Assembly) be inserted. Among the Comissary's fees at the end of the 7th Line the word (Tobacco) be likewise inserted. Amongst the fees to the Cryer of the County Court and Court of Assize we find for good Behaviour 27¹ Tobacco which before was six only and the fees of the Cryer of Assize not on Execution; In the Third Line of the 11th page the word (Lo^{pp}) Instead of (Majesty) we think to be more proper, The Navall officer being immediately under his Lo^{pp} and we recomend the following provisoe To be added to the Bill viz. Provided this Act nor any thing therein Contain'd shall Extend or be construed to Extend to deprive his Lo^{pps} Secretary of his Right or Claim to the fee or fees usually heretofore taken for granting Especiall Warrants or any other Matter or thing thereto relateing with which Amendments this Bill will pass

Sign'd p order Geo Plater Cl Up. H^o

Thereupon the Bill was amended accordingly and past for Engrosing.

A Bill for Advancing the Value of the Staple within this province was Read the second time and the Question put,

whether the same shall pass or not? And it passed in the Affirmative. Which was so Endorst and sent to the Upper House by M^r Stoddert and five others L. H. J.

They Return and Say they delivered it

Resolved that Cap^t Henry Hooper be paid forty Pounds Current Money more now for the work done to the Stadt House and that the Gent Appointed to View the work Last Sessions give orders for the same.

John Rousby Esq^r from the Upper House delivers M^r Speaker the Supplementary Bill to the Act for Securing the Rights and Inheritances of sundry Inhabitants within this province Thus Endorst Viz.

By the Upper House of Assembly March the 23rd 1725 p. 15

We are of opinion that Vanhaesdonk Riddlesden, ought to have Liberty at any time within Eighteen months to Appear by himself or his Attorney and make appear the Validity of his Deeds, And that a Clause be added to the Bill directing notice to be given of the passing of it by an Advertisement in the printed News papers of Philadelphia within Three months after the End of this Session with which Amendments this Bill will pass.

Sign'd p order Geo. Plater Cl Up. Ho.

An Engrost Bill for Limitation of officers fees; and

An Engrost Bill to Restrain the Evill practices of Attorneys &c were Severally read and Assented to and were so Endorst And sent to the Upper House by M^r Smith and M^r Dent. They return and say they deliv^d them

A Bill to revive and Continue All process in the Severall County Courts was read the first and second times by Especiall Order and past which was so Endorst and sent to the Upper House by Cap^t King and Cap^t Rider.

They Return and say they Delivered it.

Benj^a Tasker Esq^r from the Upper House delivers M^r Speaker the same Bill thus Endorst:

By the Upper house of Assembly

March the 23^d 1725

Read and will pass.

Sign'd p order Geo. Plater Cl. Up. Ho.

Thereupon the Same past for Engrossing.

On Reading and Considering the Representation of the Clergy and the former Messages of October 1724 Relateing

L. H. J. thereto, This House are unanimously of opinion that it is necessary a Bill be brought in Enjoyning the Severall Vestry men and Church Wardens as a part of their office and within the proviso of their Oath to represent the Misconduct of their Clergy to the Governour & Council But the preparing the Bill and the Matter thereof is referr'd till next Sessions.

The following Report brought in from the Committee of Aggrievances Viz.

By the Committee of Aggrievances March 23rd 1725

It is represented to this Committee by Col^o Ephraim Aug^t Herrman as an Aggrievance that his Last Patent of Bohemia Mannor Stands in the Record in an Expression of the Bounds wherein the word head seems to be placed Over the word Run As if it was intended to be taken instead of the Word Run And also that on the said originall patent the word Head seems to have been put in the same place instead of some other word rased out, And Also that in an other Patent of a Prior date in the same Year the word Run is in the same place and for that no Cause of such alteration appears to us and also for that the said Herrman cannot fix the said Rasure or Alteracōn in any person so as to have a Tryall at Law thereupon without which or the aid of an Act of Assembly the said Herman conceives the said Record cannot be rectified; All which your Committee Referrs as worthy the Consideracōn of the house and humbly propose if the House concurs therewith that notice may be given to the persons interested therein or that hold Lands Contiguous to the said Bohemia Mannor that if they think fitt they may appear next Sessions and be heard in opposition to the said Herrmans Prayer; all which is Referr'd to the Consideracōn of the House

Sign'd p order. Sam Hepburn Cl Com.

Which is read and referrd till next Sessions And Ordered that Notice be given pursuant thereto

Philip Lee Esq^r from the Upper House delivers M^r Speaker the paper Bills Viz.

A Bill for Limitation of Officers ffees And a Bill to restrain the Ill practices of Attorneys Severally thus Endorst Viz.

By the Upper House of Assembly March 23rd 1725

p. 16 The Engrōst bill whereof this is the Originall is read and Assented to by this House.

Sign'd p order Geo. Plater Cl. Up. H^o

An Engrost Bill to revive and Continue all process in the severall County Courts was read and Assented to and was so Endorst and sent to the Upper House by Cap^t Harrison and M^r Pritchett. L. H. J.

They Return and say they Delivered it.

The following message sent to the upper House by M^r Beale & Col^l Belt Viz.

By the Lower House of Assembly March 23rd 1725
May it please Your Honours.

If your Honours have perused and fully considered the Bill for advancing the Value of the Staple of this province, we desire that you will be pleasd to send down that Bill to this House with your Resolucōns thereupon.

Sign'd p order. M Jenifer Cl. Lo. H^o

They Return and say they Delivered it.

Ordered that the Clerk of this House have one of the new Record Books now in his Office to Record the Journalls of the Lower House in

The following Message sent to the Upper House by Cap^t Gordon and M^r Goldsborough Viz.

By the Lower House of Assembly March 23rd 1725
May it please Your Honours.

We herewith send your Honours the Report of the Conferrees appointed to treat with the Printer with which this House Concurrs and also have Entred a Resolve That the printer be allowed after the same Rate mencōned in the second paragraph of the Report for printing Any the publick proceedings of Last Sessions and that he be appointed And have the Character of Publick Printer to the Province with which we desire your Concurrance

Signd p order M Jenifer Cl. Lo. Ho.

They return and say they Deliverd it

The former proceedings of the Assembly in October 1724 relating to the Election of Sherriffs being taken into Consideracōn this Sessions the further Consideracōn thereof is referred till next Sessions.

Col^l Ward from the Upper House delivers M^r Speaker the

L. H. J. paper Bill to Revive and Continue the process in the severall County Courts thus Endorst Viz.

By the Upper House of Assembly March the 23^d 1725
The Engrost Bill whereof this is the Originall is Read and assented to by this House.

Signd p order Geo. Plater Cl Up Ho.

And delivers the following Message Viz. .

By the Upper House of Assembly March the 23rd 1725/6
Gentlemen.

We desire you would send two of the Members of Your House to see the Laws sealed that have pass'd the Two Houses that they may be sent to Your House in order to be presented to the Governour at the Close of the Sessions

Signd p order Geo: Plater Cl. Up. Ho.

Thereupon M^r Crabb and Capt. Harrison are sent. They Return and Say they see the seal affixt to them.

Jn^o Rousby Esq^r from the Upper House delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly March 23rd 1725
Gentlemen

Wee Concurr with Your House in approveing the first and third Articles Agreed on with the printer by the Conferrees But as to the second Article proposed We think the printing the Journalls and other proceedings an unnecessary Charge to the publick and therefore cannot agree to it. As for what you propose relateing to the Character of the Printer his Honour the Gov^r Informs us that he has already Licensed him to print the Laws as printer to his Lo^{pp} which we Conceive to be a Sufficient distinguishing Character

Signd p order. Geo. Plater Cl Up. H^o

Notwithstanding which Message, It is Resolved that such of the debates and proceedings of the last Session of Assembly as relate to the Government or Judicature of this Province or other materiall publick Affairs thereof be printed at the Charge of the Publick And thereupon John Beale and Vachel Denton Esq^{rs} are appointed to Make a Collection of the Laws

now in force to be reduced into one Volumn fit for the press L. H. J.
with Marginall notes and also of the proceedings above
mencōned and that the printers observe their directions
therein

The Journall of the Committee of Accounts was read
and Assented to and was so Endorst and sent to the Upper
House by the Gentⁿ of that Committee

They return and say they delivered it.

Benj^s Tasker Esq^r from the Upper House Delivers M^r
Speaker the Bill for advancing the Value of the Staple of
this province thus Endorst.

By the Upper House of Assembly March the 23^d 1725

We are in hopes this Session is near a Conclusion And
therefore desire this Bill may be referr'd to the Consideracōn
of the next Sessions of Assembly

Signd p order. Geo. Plater Cl. Up. Ho.

Thereupon the following Message is prepared Viz.

By the Lower House of Assembly March 23^d 1725

May it please Your Honours.

Tobacco the great dependance of Every Inhabitant of this
Province is so much overdone at present, that unless a Speedy
remedy be apply'd All persons concern'd in it must Suffer
To prevent which we most Earnestly intreat your Honours
to pass this Bill or that we may be favour'd with your
Reasons why it will not pass. It is of the last Consequence
to the Tobacco Trade and therefore we pray a Matter of so
great Importance may not be deferr'd till another Sessions

Signd p order M Jenifer Cl Lo. H^o

Which was sent with the Bill af^d to the Upper House by
M^r Denton and M^r Worthington. They return and say they
delivered them.

Philip Lee Esq^r from the Upper House delivers M^r
Speaker the Journall of the Committee of Accounts thus En-
dorst Viz.

March the 23rd 1725/6

Read and Assented to by the Upper House of Assembly
And

Sign'd p order Geo: Plater Cl Up Ho.

L. H. J. Col^o Addison from the Upper House Delivers M^r Speaker the Bill for advancing the Value of the Staple of this Province with the following Message Viz.

By the Upper House of Assembly March the 23^d 1725/6
Gentlemen.

We cannot agree at this time to give our Reasons against the passing the Bill herewith sent with which we hope you will rest Satisfied and Agree to Referr the Same to next Sessions of Assembly

Signd p order Geo. Plater Cl. Up. H^o

p. 18 A Bill directing the payment of ffees ariseing from Criminal Servants was read the first time And the Question was put whether the same shall have a second Reading now or not? And it was carried in the Negative.

Thereupon the same is Referr'd till next Sessions.

Ordered that Cap^t Gale and Cap^t Hooper go to the Upper House and Acquaint his Honour the Gov^r that this House waits his Honours further Commands

They Return and Say they Delivered their Message

Col^o Holland from the Upper House acquaints M^r Speaker that his Honour the Governour Requires him and the whole House to Attend him immediately in the Upper House.

Thereupon M^r Speaker with the whole House go to the Upper House where M^r Speaker presented to his Honour the Gov^r the severall Engrost Bills following.

N^o 1. An Act for Limitation of Officers ffees.

N^o 2. An Act to Restrain the ill practices of Attorneys; and to prevent their takeing Money ffees And Ascertainig what ffees shall be allowed to practitioners in the Law, who shall Attend the Circuit Courts.

N^o 3. An Act to revive Continue and make good and Valid in Law all Process and Proceedings in any of the County Courts within this province from the first day of the County Courts held or to be Holden in this month of March Seventeen hundred and Twenty five untill the first day of the severall County Courts that are to be held in the month of June Anno Dni. 1726

All which his Honour the Gov^r was pleas'd to pass into Laws by Sealing them with the Right Hon^{ble} The Lord Prop^{rs} greater Seal and severally thus Endorsing them Viz.

March the 23^d 1725. L. H. J.

On the behalf of the Right Hon^{ble} the Lord Prop^r of this province, I will this be a Law

Cha. Calvert

After which his Honour was pleas'd to Express himself in the following words viz.

Gentlemen of the Upper and Lower Houses of Assembly

This Sessions being Concluded it remains only that I prorogue you, which I hereby do, with the Advice of the Council to the second Tuesday of July next And you are required to take notice that you are accordingly so prorogued

23^d March 1725/6

Cha. Calvert

Thereupon M^r Speaker with the Rest of the Members returns to the Lower House where M^r Speaker resumes the Chair and Reports what his Honour the Governour had before done and said.

Whereupon this House Accordingly prorogues it self to the second Tuesday in July next.

So Endeth this present Session of Assembly this twenty Third Day of March in the Eleventh Year of his L^{pp}s Dominion &c Annoq Dni 1725

Test M. Jenifer Cl. Lower House.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, July 12-25, 1726.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

At a Session of Assembly begun and held at the City of Annapolis in Ann Arundell County on Tuesday the twelfth Day of July in the 11th Year of the Dominion of the right hon^{ble} Charles Lord Baron of Baltemore &c Annoq Dni 1726 by prorogation from the third Day of March last, Appeard in the Lower House of Assembly of the same Province the following Members viz.

L. H. J.
Calvert
Papers
(779)
p. 1

The hoñble Robert Ungle Esq^r Speaker.

For Saint Mary's County

M^r Sam^l Williamson
Col^o Tho^s Truman Green-
field
Cap^t Justinian Jordan
M^r Thomas Waughop

For Kent County

James Harris Esq^r
M^r Simon Willmer
M^r Philip Kennard

For Ann Arundell County

John Beale Esq^r
Mr Richard Warfield
M^r Tho^s Worthington

For Calvert County

Col^o John Mackall
M^r Benj^a Mackall
M^r Walter Smith
Maj^r Anderton Skinner

For Charles County

Cap^t George Dent
M^r John Courts
Cap^t Joseph Harrison
M^r Henry Holland Hawkins

For Talbot County

M^r James Hollyday
M^r Benj. Pemberton

For Dorchester County

Cap^t Henry Hooper
M^r Edward Pritchett
Cap^t John Rider
M^r John Kirke

For Cecil County

L^t Col. John Ward
Maj^r Francis Maldin
M^r Thomas Johnson

For Baltemore County

Col^o James Maxwell
M^r W^m Hamilton
M^r Daniel Scot
M^r Roger Mathews

For Prince George's County

M^r Ralph Crabb
L^t Col^o Joseph Belt

For Somersett County

Cap^t Rob^t King
Cap^t George Dashiell
Cap^t Levin Gale
W^m Stoughton Esq^r

For the City of Annapolis

Vachel Denton Esq^r

For Queen Ann's County

M^r Edward Wright
M^r Solomon Wright
M^r John Chairs

L. H. J. Who being a Sufficient number to make an House
 P. 2 Ordered that Col^o Mackall and Col^o Greenfield go to the
 Upper House and acquaint his Hon^r the Govern^r thereof.
 They return and Say they delivered their Message

John Hall Esq^r from the Upper House acquaints M^r
 Speaker that his Hon^r the Gov^r requires him and the whole
 House to attend him imediately in the upper House &
 withdrew

Thereupon M^r Speaker with the rest of the Members go
 to the Upper House where his Hon^r the Governour was
 pleasd to make the following Speech viz.

Gentlemen of the Upper & Lower Houses of Assembly

Severall Petitions having been delivered to me from the In-
 habitants of diverse parts of this Province, complaining of the
 low State Tobacco is reduced to; and humbly desiring that
 the Assembly might be convened in order to fall on some
 Method to relieve ourselves in these Melancholly Circum-
 stances; I (having nothing more at heart than the good of the
 Province) have thought fit, wth the Advice of his L^{pp^s} Council
 to Convene you, that you may have an Opportunity to make
 the Staple a reall Benefit to us; In Order to which it will be
 proper to Consider, to what Causes the present low Price of
 Tobacco is owing; Which I take to be chiefly these, the sending
 home Trash Tobacco, and the uncertainty of shipping our
 Crops; to prevent the first, it would undoubtedly be the interest
 of the Country, to destroy the Trash here, for no body but a
 madman would Ship bad Tobacco to bring himself in Debt;
 this would in a great Measure lessen the Quantity especially
 if tending of seconds was prohibited, and if the good Tobacco
 was shipt at a Time certain, the Merchants might regulate
 the Market at home very much to our Advantage. This
 Gentlemen is what occurs to me and I leave it to your Serious
 Consideration

Cha Calvert

Afterwards M^r Speaker wth the rest of the members returns
 to the Lower House where M^r Speaker resumes the Chair and
 reports what his Hon^r the Gov^r had before sayd.

The Rules of the House are read, agreed to & Set up.

Ordered that M^r Speaker issue his Warr^t to the Secretary
 for the Electing a new member to serve for Prince George's
 County in the room of James Stoddert Esq^r deced.

Resolved that this House will sit to do Business from
 Eight of the Clock in the forenoon till Eleven and from one

till five in the Afternoon and thereupon a Message is prepared accordingly viz. L. H. J.

By the Lower House of Assembly July 12th 1726
May it please yo^r Hon^{rs}

This House in order to dispatch the Publick Business as much as in them lies has entred a Resolve to sit from Eight of the Clock till Eleven in the forenoon and from one till five in the Afternoon and Desire to know whether the Times proposed be agreeable to Your Honours. p. 3

Sign'd p Order. M. Jenifer Cl. lo. Ho.

Which was sent to the Upper House by Cap^t Hooper and Cap^t Harrison

They return and say they delivered it

Philemon Lloyd Esq^r from the upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

July the 12th 1726

Gent.

In answer to your Message this Day by Cap^t Hooper and Cap^t Harrison this House are of Opinion that it will Contribute more to the Dispatch of publick Business to sit from Eight of the Clock in the forenoon till twelve and from two in the Afternoon till six in the Evening if it will be agreeable to your House.

Sign'd p Order Geo. Plater Cl. Up Ho.

With which this House concurs and thereupon the following Message is sent to the Upper House by Cap^t King & M^r Kirke viz.

By the Lower House of Assembly

July the 12th 1726

May it please yo^r Hon^{rs}.

We agree with your Honours as to the Times of meeting proposed in your Message this day by Philemon Lloyd Esq^r and propose that Divine Service be read every Morning at seven of the Clock during this Sessions.

Sign'd p Order M Jenifer Cl. lo. Ho.

They return and say they delivered it.

Vachel Denton Esq^r is desired to acquaint the Reverend M^r John Humphreys that He is desired to read divine Service at Seven of the Clock in the Morning during this Sessions p. 4

The Severall Comittees are appointed & sent out.

L. H. J. The House adjourns till to morrow Morning Eight of the Clock.

p. 5 Wednesday July the 13th 1726

The House meets according to Adjournment
Yesterdays Proceedings are read.

Vachel Denton Esq^r acquaints M^r Speaker that he has informed the Rev^d M^r Humphreys of reading Divine Service according to the Order of yesterday.

On the mocōn being made the Question was put whether there shall be any Tobacco Law or not? &

Carried in the Affirmative

M^r Holliday & Cap^t Hooper are added to the Comittee of Laws.

On reading the Bill for uniting Part of Baltemore to Ann^l County referrd from last Sessions and on hearing the Pe-tition of sundry Inhabitants of Balt. County ag^t the passing thereof Ordered a second reading. Thereupon the same was read again & past which was so endorst & sent to the Upper House by Col^o Maxwell & M^r Beale. They return & say they delivered it.

On reading the Reference relating to Cap^t Rider's Affair Leave is given to bring in a Bill.

Col^o Addison from the Upper House delivers M^r Speaker Sundry Papers & the following Message viz.

By the Upper House of Assembly July 13th 1726.
Gent.

The Papers herewith sent were transmitted to us from Virginia which (together with the Messages that pass'd between the two Governm^{ts} relating thereto) We have thought Proper to lay before your House

Sign'd p Ord^r Geo. Plater Cl. Up. H^o

The Answer to his Hon^r the Govern^{rs} Speech was read and approvd of & sent to his Hon^r by Col^o Mackall & five others & is as follows.

To the Hon^{ble} Charles Calvert Esq^r Governour of Mary-land.

The humble Address of the House of Delegates.
May it please Your Honour.

We return You our most hearty Thanks for your kind speech at the Opening of this Session, and beg Leave to

assure your Hon^r that it is with the greatest Pleasure We L. H. J. observe you to be Constantly exerting yourself to advance the Interest of this Province.

It is with no small Concern We find Tobacco our Staple reduced to so low a State as it now is, and are fully convinced p. 6 that the lessening the value of that Comodity is chiefly owing to those Causes Your Honour is pleased to attribute it to, And though Tobacco Laws within this province have seldom had any other Effect than the utter Ruin of some of the Inhabitants thereof We shall endeavour to do everything that may Contribute to the Relief of the people we represent in their present melancholly Condition with the greatest Dispatch we possibly can

Signd p Order of the House R: Ungle Speaker
July the 13th 1726

They return and say they delivered it

The petition of Jn^o Clements being referr'd from last Sessions is read & rejected

The House adjourns till two of the Clock in the Afternoon

Post Merediem

The House met

Col^o Ward from the Upper House delivers M^r Speaker The Petition of sundry the Inhabitants of S^t Paul's Parish in Queen Anns County for the dividing that parish thus endorst viz.

By the Upper House of Assembly July the 13th 1726

The within Petition being read is recomended to the Consideration of the Lower House of Assembly (the Reverend M^r Christopher Wilkinson to have Notice hereof)

Signd p Order Geo: Plater Cl Up Ho.

M^r Speaker Communicates to the House severall Petitions relating to a Tobacco Law with the following Message from his Hon^r the Gov^r

Gent of the Lower House.

The Petitions that I mentioned at the Opening of the sessions I have herewith sent to the House for your perusall

I am Gent y^r humble Serv^t

July the 13th 1726.

Cha. Calvert

To the honble the Speaker & the Lower House of Assembly

L. H. J. Col^o Mackall is added to the Committee of Laws

On reading the Pet^o of the Justices of Charles County for removing their County Court House

Ordered that Publick Notice be given to the Freeholders of that County by the Sherr as in Cases of Elections that they meet the tenth day of August next at the County Court House then & there by Majority of Voices to Vote whether the said Court House shall be removed or not and if to be removed to what place in the said County the same shall be remov'd and
p. 7 that he make a Return thereof at the next Sessions of Assembly and thereon the following Message is sent to the Upper House by Cap^t Dent & Cap^t Harrison viz.

By the Lower House of Assembly July the 13th 1726
May it please y^r Hon^{rs}

On reading the petition herewith sent this House are of Opinion that it will be proper that the Sheriff of Charles County give Publick Notice as in Cases of Election to the severall Inhabitants of that County to meet at the County Court House the tenth day of August next then and there by Majority of Voices To vote whether the said Court House shall be removed or not, And if to be removed to what place in the County the same shall be removed And that the Sherr. make return thereof the next Sessions of Assembly With which if your Hon^{rs} Concurr We desire that an Ordinance of Assembly for that purpose may be made

Signd p Ord^r M. Jenifer Cl. lo. ho.

They return and say they delivered it.

The papers sent down this day by Col^o Addison are return'd wth the foll^o Message by M^r Mathews & Cap^t Jordan.

By the Lower House of Assembly

July the 13th 1726.

May it please y^r Hon^{rs}

We herewith return the papers your Hon^{rs} were Pleas'd to send us this Day by Col^o Addison and thank Your Hon^{rs} for laying the same before us.

Signd p Order. M Jenifer Cl Lo Ho.

They return and Say they delivered them.

The Pet^o from severall Counties relating to a Tob^o Law are return'd after perusall by the Clerk of this House to the

Clerk of the Upper House with the following Message to his L. H. J.
Hon^r the Governour viz.

By the Lower House of Assembly

July the 13th 1726

May it please Your Honour

This House returns your Hon^r their hearty thanks for the perusal of the Petitions mentioned at the Opening of the Sessions and herewith return the same.

Sign'd p Ord^r of the House. R: Ungle Speaker

Jn^o Rousby Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

July the 13th 1726

Gent.

We Concurr wth you in your Message this day by Cap^t George Dent and M^r Harrison relating to Charles County Court House

Sign'd p Ord^r Geo. Plater Cl. Up. H^o

The House adjourns till to morrow Morning Eight of the Clock

Thursday morning July the 14th 1726

p. 8

The House meets according to Adjournm^t The Proceedings yesterday are read.

The Petition of W^m Bozman referr'd from Oct^r Assembly last was read, and the parties concern'd viz. The Pet^r & Hannah Horsey appearing consent to the recieving the Depositions taken before Mess^{rs} Stoughton & Scot, seperately as Evidence notwthstanding the ord^r made in Oct^r Assembly, And on hearing the Allegations of the said Parties Leave is given to bring in a Bill to Confirm the Land according to the Intent of the Marriage Contract from Randall Revell Sen^r wth the proviso propos'd.

M^r Speaker Communicates to this House his Hon^r the Govern^{rs} Answer to the Address of this House of yesterday viz.

Gent.

I return you my sincere thanks for your Affectionate Ad-

L. H. J. dress & shall think my self happy in being any way's instrumentall towards the Welfare of the Province

Cha Calvert

To the hon^{ble} Speaker and the Lower House of Assembly

The House adjourns till two of the Clock in the Afternoon

Post Merediem

The House met

The Bill directing the payment of criminall Servants Fees referr'd from last Sessions was read and Comitted for Amendment.

A Motion being made that the Printer has refused to print the Proceedings of the two last Sessions of Assembly according to the Directions of John Beale & Vachel Denton Esq^r who were appointed to make a Collection thereof,

M^r William Parks the Printer appears and being demanded the Reason why he refus'd so to do, Answers that his Hon^r the Governour ordered him not [to] print them untill the Bodies of Laws were first finished.

On reading the Petition of Thomas Osborn referr'd from last Sessions Leave is given to bring in a Bill as pray'd.

The Pet^o of Thomas Larkin Gent. ag^t the Justices of Ann arundell County is to be proceeded on at two of the Clock in the afternoon on Monday next & Ord^r of Notice made out accordingly

p. 9 Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker The Petition of the Executors of Levin Denwood Gent. decēd thus endorst viz.

By the Upper House of Assembly July the 14th 1726

The within petition being read is recomended to the Consideration of the lower House of Assembly the Terr tenants of the Lands within mentioned & all other persons concerned therein having Notice thereof.

Signd p Order Geo. Plater Cl. Up. Ho.

Which being read the same is referr'd till next Sessions of Assembly and Ordered that Notice be given Accordingly by setting up Copies of the said petition and the Orders thereon at the most publick Places in the severall Counties within this Province.

Philip Lee Esq^r from the Upper House delivers M^r Speaker L. H. J
The Pet^o of John Giles and John Galloway thus endorst viz :

By the Upper House of Assembly July the 14th 1726.

The within petition being read is recomended to the Consideration of the lower House of Assembly All persons interested to have Notice thereof

Signd p Ord^r Geo. Plater Cl. Up. H^o

On reading whereof Ordered that Notice be given according to the above Endorsm^t

The Bill directing the payment of Servants fees was read the first & second times and the Question was put whether the same shall Pass or not?

And it passed in the Affirmative which being endorst was sent to the upper House by Col^o Belt & M^r Stoughton.

They return and say they delivered it

Col^o Holland from the Upper House acquaints M^r Speaker that his Hon^r the Governour requires him and the whole House to attend imediately in the Upper House & withdrew.

Thereupon M^r Speaker wth the whole House go to the Upper House.

M^r Speaker wth the whole House return where M^r Speaker resumes the Chair and reports that his Honour the Gov^r on his L^{pp}s Behalf was pleas'd to deliver the following Speech, viz.

Gentlemen of the Upper and Lower Houses of Assembly
C. Baltemore.

I thank you for your late dutifull Addresses, and notwithstanding some Difference among you, I perswade myself You severally pursue the same End; And aim in generall at the Good and Wellfare of the Province. And as it is our mutuall happiness, that the Province has with Justice Equity and Prudence been hitherto governed, so the best means to Continue these inestimable Blessings among us, is to Persevere in the same Method of Rule and Obedience And I think I cannot better manifest my Steadiness, in making the Publick Good the Rule of my Government, than by preserving to you his Majesty's Subjects in this part of the World under my Care such Laws, Rules, Customs and Usages, as are undoubted, Certain, Constantly adhered to, and practiced among
p 10
you.

Gentlemen of the Lower House.

In your Address you agree the Council of State deserve

L. H. J. their Reward, tho' you are unwilling they should find it out of the same Levies they received it, long before at the Time, and ever since the making the Act, which among other things raises the Twelve pence p hogshead, in the Absence of the Lord Proprietary, towards the better maintaining the Dignity and Station of his Lieutenant Governour, actually inhabiting and residing within this Province; And to such other Necessary uses towards the Support and Defence of the Lord Proprietary's Government of this Province, as in his Lordship's Wisdom to him shall seem meet: But on the Contrary alledge, that ample Provision was made, and annually raised by that Act, And therefore it ought not to be annually levyed by a Poll Tax again on the People, Whereas it was never mentioned, or intended, or even imagined till of late by some, that their Allowance should Come out of any Part of the Duty raised by Vertue of that Act, whereby I give up so great a Part of my Property as all my Quit Rents and Alienation Fines are; And I hope none of my good Tenants will Persist in thinking any longer that it ought But rather choose to shew their Duty in their Actions, as well as expressions, by Consenting that the Councill of State should have their Recompence in the same manner they have long Since found it, And not put me upon the unwilling Task of Shewing the People of Maryland the true Value of my said Rents and Fines, And the necessary Consequences of Advantage attending me in a just and legall Collection of them, above the Composition, I have consented to take in Lieu of them by the Temporary Continuance of that Act

C. Baltemore

p. 11 After which his Honour the Governour was pleased to make the following Speech viz.

Gentlemen.

His Lordship's Answer is so full that there remains nothing for me to say; Yet I cannot but think our selves happy in Coming to a right understanding in relation to the Laws, in following the Practice of them, as they have been us'd among us.

As to his Lordship's Revenue, as it now stands, I may Venture to affirm, he gives up half his property; For the quit Rents and Alienation Fines (were they to be levyed in Sterling money, according to the Tenor of the Grants) would amount to a very great Summ; And the only Difficulty, that

can remain with his L^{pp} not to put that Method in Execution, L. H. J. is, the tender Regard he has for his Tenants, who must labour under vast Difficulties to comply with it; It is therefore upon this Consideration, that I have his L^{pps} Command, to offer to the Country, the renewing the Revenue Bill as it now stands, for three Years longer; Which is an Instance, His Lordship prefers the Interest of the Country to his own, and which I do not doubt, You are sensible of

Cha. Calvert.

The further Consideration whereof is referr'd till to morrow morning & then

The House adjourn'd till to morrow Morning Eight of the Clock

Friday Morning July the 15th 1726

p. 12

The House meets according to Adjournment. Yesterdays proceedings are read.

On reading his L^{pps} Answer to the severall Addresses of this House The Question was put whether the revenue Act shall be revived or not.

Carried in the affirmative.

Resolved that no Petitions be recēd after Monday next.

Nicholas Lowe Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

July the 15th 1726

Gentlemen.

We have thought fit to propound to your House before We pass the Bill for adding part of Baltemore to Annard^l County that it seems to us very reasonable, in order to enlarge Calvert County now seated by a small Number of Inhabitants, that that part of Ann Arundell County which includes the South side of Lyon's Creek Branch as farr as Abraham Simmond's Plantation leaving his House and Orchard in Ann arundell County and running with an Easterly Line to the head of Parker's Branch and from thence down Parker's Branch to Herring Creek including the South Side in Calvert County and the North side in Ann Arundell County be added thereto, which will greatly ease the Inhabitants of the said County and not lessen Annarundell County by a Considerable number so

L. H. J. much as the said County will be increased by the Addition they will receive from Baltimore.

Signd p Order Geo. Plater Cl up. Ho.

In Answer whereto the following Message is prepared viz.

By the Lower House of Assembly July 15th 1726

May it please yo^r Honours

Forasmuch as there has been no Application from the Inhabitants of Calvert County nor from the Lower part of this Co^y for the Division propos'd in your Message this day by Nicholas Lowe Esq^r we think it unreasonable to make such Division And therefore desire yo^r Honours will be pleasd to pass the Bill as it now stands

Signd p Ord^r M Jenifer Cl. Lo. Ho.

Which was sent to the Upp^r House by Col^o Mackall and M^r Beale

They return & say they delivered it

On reading the Petition of the Inhabitants of S^t John's Parish in Prince George's County referr'd from last Sessions & Sundry other pet^s relating to the Dividing that parish, Leave is given to bring in a Bill according to the prayer of the first pet^o

p. 13 On reading the Petition of Abel Makepeace referr'd from last Séssions Leave is given to bring in a Bill Pursuant to the Resolution then made

John Hall Esq^r from the Upper House delivers M^r Speaker The Bill for uniting part of Baltimore to Annard^l County thus endorst viz.

By the Upper House of Assembly July the 15th 1726

Read and will pass these words (any person or persons from recovering their Just or lawfull Debts or Demands whatsoever or to stay or hinder) after the Word Debarr in the 5th Line of the last Side being added.

Signd p Ord^r Geo. Plater Cl. Up. Ho.

Thereupon the Bill is amended accordingly & past for engrosing

The Petition of the Inhabitants of S^t Paul's Parish in Queen Ann's County for the dividing that Parish was read.

Col^o Addison from the Upper House delivers M^r Speaker

The Reasons of the Rev^d M^r Christopher Wilkinson ag^t the L. H. J.
dividing that Parish thus endorst viz.

By the Upper House of Assembly

July the 15th 1726

Read & Recomend^d to the Consideration of the Lower
House of Assembly

Signd p Order. Geo. Plater Cl. Up. Ho.

Thereupon the said pet^o was read again wth the above
Reasons And It is the Opinion of this House that the said
Parish ought to be divided But forasmuch as this House are
not well apprized in what part of the said Parish the equallest
Division can be made they think it proper that the hon^{ble}
Richard Tilghman Esq^r M^r James Earle Sen^r Maj^r William
Turbut M^r August^{us} Thompson M^r Sol^o Clayton M^r Tho^s
Hynson Wright Cap^t Andrew Price M^r Humphrey Wells
M^r Benjamin Pemberton M^r John Chairs & M^r John Wright
or the Major part of them be appointed to meet at such Times
and places as to them shall seem meet And that they make
their Report thereon to the next Assembly at the next Sessions
thereof, of the most Convenient place for dividing the said
Parish And ordered that a Message to the Upper House be
prepared Accordingly desiring their Concurrence herein so as
that an Ord^r of both Houses may be made out Accordingly.

Which message was prepard pursuant thereto And sent
to the Upper House by M^r Edward Wright and the other three
Members of Queen Ann's County.

They return and Say they delivered it.

The house adjourns till two of the Clock afternoon

Post Merediem.

The House meets.

Nicholas Lowe Esq^r from the Upper House delivers M^r
Speaker the Petition of Thomas Manning thus endorst viz.

By the Upper House of Assembly July the 15th 1726

The within Petition being read is referr'd to the Consider-
ation of the Lower House of Assembly

Sign'd p Order Geo Plater Cl. Up. Ho.

Which was read and Ordered that Provided Notice can p. 14
be given to the Parties Concern'd before Thursday next to

L. H. J. appear if they can to shew Cause why a Bill shall not pass in favour of the Pet^o that a Bill will then Pass.

Ordered that the Sergeant Attend^t to this House Acquaint the Sherr of Ann Ard^l County that he is required to attend this House imediately to shew the Cause of detaining Robert Gordon Esq^r a Member of this House in his Custody from the Service of the House.

The said Sherr having Notice thereof returns for Answer the following Letter viz.

July the 15th 1726

M^r Speaker.

Your Sergeant was just now wth me to know the reason why I detained Cap^t Robert Gordon from attending your House out of the Provinciaall Court at suit of Thomas Bordley Esq^r for fourteen hundred and forty pounds Sterling and 811^l Tob Costs of suit which was serv^d upon him the 6th Day of June last a Copy of which Execution y^o may have for your further Satisfaccōn.

I am Y^r Hon^{rs} most obedient humble Serv^t

Dan Mariarte

P. S.

S^r My infirmity is such that I could not wait on you my self, w^{ch} I hope your Hon^{rs} will excuse

I am y^{rs} ut Supra

D. M.

To the hoⁿble Rob^t Ungle Esq^r Speaker of the Lower House of Assembly

The Petition of Josias Sunderland ag^t Samuel Gover was read and The Question put whether the pet^o shall be granted or not? And it was Carried in the Affirmative And Leave given to bring in a Bill to stay the Execution from the Provinciaall Court on the Reversall of the Judgm^t therein mencōned and to confirm the Judg^t of Calvert County Court unless Cause shewn by the said Gover to the Contrary And Ordered th^t notice be given to the said Gover.

Philip Lee Esq^r from the Upper House delivers M^r Speaker The Pet^o of Daniel Mariarte Gent Sherr. of Ann Arrundell County thus endorst viz.

By the Upper House of Assembly July 15th 1726.

The within Petition being read is recommended to the Consideration of the Lower House of Assembly.

Signd p Order Geo Plater Cl Up Ho.

Which being read is rejected.

L. H. J.

John Hall Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly July the 15th 1726. p. 15
Gent.

In answer to your Message this Day by M^r Edward Wright & three more this House concurs with you therein

Signd p Order Geo. Plater Cl Up H^o

On the mōcon The Question was put whether the Act for relief of languishing Prisoners shall be amended or repealed?

Carried by Majority of Votes that it be amended.

The House adjourns till to Morrow Morning Eight of the Clock.

Saturday Morning July the 16th 1726

The House meets according to Adjournment. Yesterday's Proceedings are read.

An engrost Bill for uniting Part of Baltemore to Ann Arundell County was read and Assented to and was so endorst & sent to the Upper House by Col^o Mackall and M^r Scot.

They return and say they delivered it

The Petition of Kenelm Skillington was read and referr'd till next Sessions and ordered that Notice be given of the Petition to W^m Turner and all others Concern'd.

A Bill declaring the Right of John Rider of Dorchester County Gent to Two Tracts of Land therein mentioned was read the first and second Times by especiall Order and past which was so endorst and sent to the Upper House by Cap^t Hooper & M^r Kirk.

They return and say they delivered it.

It appearing that Notice has been given on the petition of John Galloway & John Giles pursuant to the order of the 14th Instant, Leave is given to bring in a Bill as pray'd.

Col^o Ward from the Upper House delivers M^r Speaker The Petition of Ephraim Gover thus endorst viz.

By the Upper House of Assembly July the 16th 1726.

The within Petition being read is recomended to the Consideration of the Lower House of Assembly.

Sign'd p Order. Geo Plater Cl Up H^o

L. H. J. Which was read and referr'd till next Sessions and Ordered that the Petitioner give Notice by setting up Notes at the Parish Churches in this County of having Preferr'd this Petition and Leave given to Subpœna Evidences. And the same is referr'd till next Sessions of Assembly.

p. 16 The Petition of sundry persons relating to the Resurvey of a Tract of Land called Arcadia was read and referr'd till next Sessions and Ordered that Notice be given to all parties Concern'd & Leave given to Subpœna Evidences.

A Bill for the Relief of William Bozman was read the first and second Times by especiall Order and past which was so endorst and sent to the Upper House by Cap' King and M^r Stoughton

They return and say they delivered it.

The House adjourns till Monday Morning Eight of the Clock

Monday Morning July the 18th 1726.

The House meets according to Adjournment

Saturdays Proceedings are read.

A Bill for dividing S^t John's Parish was read the first and second Times by especiall Order and past which was so endorst and Sent to the Upper House by M^r Crabb & M^r Gant.

They return and say they delivered it

John Rousby Esq^r from the Upper House delivers M^r Speaker The Petition of Edward Kitten for Confirming a Deed from John Gray of Ann Arundell County thus endorst viz.

By the Upper House of Assembly July the 18th 1726

Read and referr'd to the Consideration of the Lower House of Assembly

Signd p Order. Geo Plater Cl Up H^o

Which was read and referr'd till next Sessions And ordered that Notice be given in the same Manner as endorst on Richard Bryant's Petition; The Petitioner having produced the Deed mentioned in the Petition which on Inspection is found to be duly executed.

James Bowles Esq^r from the Upper House delivers M^r Speaker The Paper Bill for uniting part of Baltimore to Annard^l County thus endorst.

July the 18th 1726. L. H. J.

The engrost Bill whereof this is the originall is read and Assented to by the Upper House of Assembly & Sign'd p Order Geo Plater Cl. Up. Ho.

And also delivers the Petition of James Smith thus endorst p. 17 viz.

By the Upper House of Assembly July the 18th 1726.

Read and referr'd to the Consideration of the Lower House of Assembly

Signd p Order. Geo Plater Cl up Ho.

Which was read and rejected.

Philip Lee Esq^r from the Upper House delivers M^r Speaker The Bill for relief of William Bozman thus endorst viz.

By the Upper House of Assembly July the 18th 1726.

Read and will pass.

Sign'd p Order Geo. Plater Cl Up. H^o

Thereupon the same past for engrosing
The House adjourns till two o'Clock in the Afternoon

Post Merediem.

The House meets according to Adjournment

On reading the petition of Cap^t Thomas Larkin referrd from last Sessions And on hearing as well the Allegations of the said Larkin as of the severall Justices of Annarundell County Court complained of who were present at the Barr of this House in excuse of their proceedings against the said Larkin,

Resolved Nemine contradicente that the said Justices have proceeded very rashly in fining the said Larkin and Mistaken the Act of Assembly. And further on a Motion being made It is the Opinion of this House that they ought to make the said Larkin Restitution for the said Fine and fees. Of all which they are acquainted by M^r Speaker.

A Bill for Relief of Thomas Osborn of Charles County was read the first and second Times by especiall Order & past & was so endorst and sent to the Upper House by Cap^t Dent & Cap^t Harrison

They return and Say they delivered it.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker The Petition of Edward Fottrell Gent praying Leave

L. H. J. to bring in a Bill in the same Manner as granted to M^r Makepeace thus endorst viz.

By the Upper House of Assembly July the 18th 1726.

The within Petition being read is recomended to the Consideracōn of the Lower House of Assembly provided the persons therein mentioned be Protestants

Signd p Order Geo Plater Cl up H^o

Which was read and leave given to bring in a Bill pursuant to the prayer of the Pet^r and the above Endorsement provided they are no Convicts

And delivers The Pet^o of Sebastian Oley thus endorst.

By the Upper House of Assembly July the 18th 1726.

The within petition being read is recomended to the Consideration of the Lower House of Assembly

Signd p Order Geo. Plater Cl Up H^o

Which was read and rejected.

The House adjourns till to Morrow Morning Eight a Clock.

p 18 Tuesday Morning July the 19th 1726.

The House meets according to Adjournment.

Yesterday's Proceedings are read.

The Petition of the Widow Maddox is dismist for want of prosecution

An engrost Bill to Confirm a Marriage Contract heretofore made betwixt Randall Revell Sen^r & Catherine his Wife &^{ca} was read and assented to and was so endorst and sent to the Upper House by M^r Stoughton and M^r Dashiell. They return and say they delivered it.

Nicholas Lowe Esq^r from the upper House delivers M^r Speaker The Bill in favour of Thomas Osborn thus endorst viz.

By the Upper House of Assembly July the 19th 1726.

Read and will pass.

Signd p Order Geo. Plater Cl Up Ho.

Thereupon the same past for engrosing.

A Bill for advancing the Staple of this Province and A

Bill for amendment of the Law were severally read and L. H. J. ordered to be laid on the Table.

A Bill reviving the Act for raising three pence p^h And
A Bill reviving the Act ascertaining the Gauge & Tare of
Tob^o Hh^{da} were severally read the first & second times by
especiall Order & past And were so endorst and sent to the
Upper House by Cap^t Hooper & M^r Denton

They return and say they delivered them

John Hall Esq^r from the Upper House delivers M^r Speaker
The paper Bill for relief of W^m Bozman thus endorst viz.

July the 19th 1726.

The engrost Bill whereof this is the originall is read &
assented to by the Upper House of Ass^y

Signd p order Geo. Plater Cl Up Ho.

And delivers the following Message viz.

By the Upper House of Assembly July the 19th 1726.
Gent.

It having been represented to this House th^t severall Con-
victs have lately attempted (by way of Monokosey) to make
their Escape, and may probably seduce others to follow their
Example And also that sundry Negroes have and may by the
same Way make their Escape to the Shuano Town, to the
great prejudice of the proprietors, and seeing the late Law
for taking up Negroes is not Comprehensive enough to prevent
their Escape; It is recommended to your House to consider
of some further means that may be more Effectuall to prevent
the af^d Evills, and also give a suitable reward for the bringing
back the negroes already there, and inflicting severe punish-
ments on such Convicts as shall hereafter attempt to escape.

Sign'd p order. Geo Plater Cl. Up. Ho.

The House adjourns till two a Clock afternoon.

Post Merediem.

The House meet

Col^o Addison from the Upper House del^s M^r Speaker The
two reviving Bills sent up in the Morning thus endorst viz.

By the Upper House of Ass^{ly} July the 19th 1726
Read & will pass.

Signd p Order Geo. Plater Cl up H^o

L. H. J. Thereupon they past for engrosing.

Col^o Ward from the Upper House delivers M^r Speaker The Bill for dividing S^t John's Parish thus endorst viz.

By the Upper House of Assembly July the 19th 1726.

As the present Incumbent has not appear'd to make his Defence nor hath signified his Assent to the Division in the Bill mentioned We therefore recommend the deferring the passing this Bill till next Sessions of Assembly and that further Notice be given to the Incumbent then to attend.

Signd p Order Geo: Plater Cl Up Ho.

James Bowles Esq^r from the Upper House delivers M^r Speaker The Bill for the payment of Servants fees thus endorst viz.

By the Upper House of Assembly July the 19th 1726.

This Bill being read will not Pass.

Sign'd p Order Geo. Plater Cl Up H^o

The House adjourns till to Morrow Morning Eight a Clock.

p. 19 Wednesday July the 20th 1726

The House Meets according to Adjournment. Yesterdays proceedings are read.

On reading again the Bill for advancing the Staple of Tobacco

The Q^uestion was put whether all white women Servants shall be excluded from making Tobacco or not?

It was carried in the Affirmative.

The Q^u was put whether the Clause for paying in money shall stand as it is or be amended?

Carried by Majority of Votes th^t it stand as it is.

The Q^uestⁿ was put whether any Tobacco plants of this present Crop shall be cut up or not?

Carried in the Affirmative.

The Q^u was put whether they shall be cut up to Eight or six thousand Tobacco plants.

Carried that it be Eight thousand.

The Q^u was put whether there shall be any Restraint on Shipping or not? & it was Carried in the negative.

The Q^u was put whether there shall be any allow^e for white women Serv^{ts} in this present Crop or not?

Carried in the Affirmative

L. H. J.

Whereupon the Bill was amended accordingly and the Question put whether the Bill shall Pass or not? And it was carried in the Affirmative. Thereupon the Bill past and was sent to the Upper House by Col^o Greenfield & the other Gent of the Comittee of Laws.

They return and say they delivered it.

The following Message was prepared on the Bill for dividing S^t Johns Parish viz.

By the Lower House of Assembly July the 20th 1726

May it please y^r Hon^{rs}

This House being very well Satisfied by Information from severall of the Members thereof that the Rev^d M^r John Fraser hath declared to them he had no Objection ag^t the passing a Bill for dividing S^t Johns Parish herewith sent, and conceiving that if he had intended to have made any (as he was acquainted such a Bill was to be bro^t into this House) he would have done it before now and therefore We desire the Bill may pass as it now stands.

Signd p Order M Jenifer Cl. lo. ho.

Which was sent wth the Bill af^d to the Upper House by M^r Crabb & M^r Gant. They return and say they delivered them.

Jn^o Rousby Esq^r from the Upper House delivers M^r Speaker the same Bill thus endorst viz.

By the Upper House of Assembly July the 20th 1726.

Read and will pass

Signd p Ord^r Geo. Plater Cl. Up. Ho.

Thereupon the Bill past for engrosing

p. 20

M^r Edw^d Wright & Cap^t John Rider on their Mocōn have the Leave of the House to go home, They both being very ill

On reading the two petitions of the Inhabitants of Stepney Parish in Somerset County, The Q^t was put whether the Vestry or the Parishioners shall have the placing the Church. Carried by the Majority that the latter have.

And Resolved that the Vestry of Stepney Parish af^d app^t a Time and place for the parishioners to meet in order to Choose a place for building a new Church And that it be placed by the Major^{ty} of the Parishioners and that no person shall vote therein but the Profest Members of the Church of England as by Law establisht

L. H. J. And thereon the foll^o Mess^a is prepared viz.

By the Lower House of Assembly July 20th 1726.
May it please your Hon^{rs}

On reading and considering the Petitions of the Parishioners of Stepney Parish herewth sent, This House have Resolved that the Vestry of the said Parish meet sometime in October next and appoint a Time and Place for [the Parishioners to meet in Order to make choice of a place for] building a new Parish Church on therein, And that it be accordingly placed as the Majority of the Parishioners shall think fit and no person to have a Vote therein but the profest Members of the Church of England as by Law establisht, With which Resolve We desire your Honours Concurrence that the Matter may be entred on our Journall as an Ordinance, and to avail the parties concern'd therein as such And that the return of the Votes so taken be made by the said Vestry to the Assembly at the next Sessions

Signd p Ord^r M Jenifer Cl. Lo. Ho.

Which was sent wth the Petitions af^d to the Upper House by Cap^t Gale and Cap^t Dashiell They return and say they delivered them.

An engrost Bill for reviving the Act for raising three pence p hh^d

An Engrost Bill for reviving the Act ascertaining the Gauge & Tare of Tobacco hh^{da}

An engrost Bill for relief of Thomas Osborn of Charles County planter were severally read and assented to and were so endorst & Sent to the upper House by Cap^t Gale & Cap^t King.

They return and say they delivered them

The House adjourns till two of the Clock in the Afternoon

Post Merediem.

The House meet

The Question was put whether the Act for relief of poor
p. 21 Distressed Prisoners for Debt shall be repealed or not?

It was carried in the Affirmative and

Resolved That for the future no Petition be recēd into this House for the relief of any distressed Prisoners for Debt but such as shall come to this House recomended from and signd by the Justices of the County where the Prisoner is detain'd or the Major part of them in Court sitting And thereupon a

Bill for repealing the said Act is prepared & read the first & L. H. J.
second Times by especiall Ord^r & past which was so endorst
And Sent to the Upper House by Maj Harris & Cap^t Dent wth
the foll^o Mess^a viz.

By the Lower House of Assembly July the 20th 1726.
May it please your Honours.

It having been represented to this House by some of the
members from most of the Counties wthin this Province that
notwithstanding the good Intent design'd by An Act entituled
an Act for the relief and release of poor distressed Prisoners
for Debt it proves of very pernicious Consequence, And it
hitherto appearing rather to give Encouragement to such
persons whose Inclinations lead them to act the Part of
Knaves than of honest Men, We have thought it absolutely
necessary to repeale that Act, as We accordingly have in the
manner herewith sent, And have made a Resolve in this
House that for the future no Petition for the Relief of any
distressed prisoner for Debt be recēd in this House but such
as shall come to this House recomended from and Signd by
the Justices of the County wherein the pet^r is detain'd (or
the Major part of them) in Court sitting who certainly must
be best acquainted wth such Petitioner's reall Condition and
who 'tis not doubted will allways take particular Care that
such Pet^{rs} Case be stated in the truest Light, And We appre-
hend from thence that none but such as are reall Objects and
worthy relief will meet wth Encouragem^t to apply to the Legis-
lature for their Aid, And thereby all Villany will be detected,
And the Charge to the Country in a great Part lessened.

Sign'd p Ord^r M Jenifer Cl. lo. ho.

They return and say they delivered them.

The House adjourns till to Morrow Morning Eight of the
Clock.

Thursday Morning July the 21st 1726.

p. 22

The House meet according to Adjournment

Yesterdays Proceedings are read

John Hall Esq^r wth three others from the Upper House
delivers M^r Speaker the following Message viz.

By the Upper House of Assembly July 21st 1726
Gent

On reading the Bill prepar'd by your House for advancing
the Staple of this province We are of Opinion that it is now
too late to cut up part of the present Crop (which is not likely

L. H. J. to be great) the people having hitherto spent their Time and Labour in tending it, And are not at all prepar'd to employ themselves or Servants in any other Business that will be advantageous to them the remaining part of the year, And therefore cannot consent to that Part of the Bill; We are likewise of Opinion that the Deduction of one third part of all Debts and fees sensibly affects Trade and therefore ought not to be in force so soon, besides it is too much and do's not bear a just proportion to the Quantity of Tobacco that will be made less than usuall by the Restrictions in that Bill; there are some other things which We think want Amendm^{ts} in it too tedious to be reconciled by Messages and therefore desire a Conference wth some of the Members of your House such as you think fit to appoint on the Subject Matter therein Contain'd

Sign'd p Order. Geo Plater Cl. Up. Ho.

Thereupon resolved that a Conference be granted and the foll^o Mess^a prepar'd viz.

By the Lower House of Assembly July the 21st 1726
May it please y^r Honours.

In answer to your Message this Morning by Jn^o Hall Esq^r and three other Members This House are willing that the Conference proposed be granted and have appointed Col^o John Mackall Col^o Tho^s Truman Greenfield James Harris Esq^r Cap^t George Dent Cap^t Rob^t King Cap^t Levin Gale Cap^t Henry Hooper Vachel Denton Esq^r M^r James Hollyday M^r Tho^s Gant John Beale Esq^r & M^r Walter Smith Members of this House to join wth such of the members of your House as your Hon^{rs} shall think fit to appoint on that Conference who are ready to attend at such time and place as Your Hono^{rs} shall appoint.

Sign'd p Ord^r M Jenifer Cl. Lo. Ho.

Which was sent by the Gent appointed. They return & say they deliver'd it

The Question was put whether that part of the Tob^o Bill that affects this Year's Crop shall be left out or not?

Carried in the Negative

Nicholas Lowe Esq^r from the Upper House delivers M^r Speaker the three engrost Bills sent up Yesterday Morning severally thus endorst viz.

July the 21st 1726.

The Engrost Bill whereof this is the Originall is read & assented to by the upper House of Assembly &

Sign'd p Order Geo Plater Cl Up H^o

Col^o Addison from the Upper House delivers M^r Speaker L. H. J.
The Bill for repealing the Act for relief of Poor Debtors thus ^{p. 23}
endorst viz.

By the Upper House of Assembly July the 21st 1726.
Read & will pass.

Sign'd p Ord^r Geo. Plater Cl Up Ho.

Thereupon the same past for engrosing.
And Delivers a Message relating thereto viz.

By the Upper House of Assembly

July the 21st 1726.

Gent.

We agree with your House in your Message by James Harris Esq^r & M^r Dent yesterday relating to the Act for relief and release of poor distressed prisoners for Debt and Concurr with you in your Resolve as to the Petition of poor distressed prisoners for the future.

Signd p Ord^r Geo. Plater Cl up Ho.

An engrost Bill for dividing Part of Saint John's Parish was read and assented to and was so endorst & Sent to the upper House by M^r Crabb & Col^o Belt.

They return and say they delivered it

On reading the Petition of Thomas Manning Leave is given to bring in a Bill to put the Pet^r in the same State as to prosecuting his Appeale as if it had been done in due time, And

Ordrd that a generall Supplementary Bill be prepar'd to the Act for better Adm^m of Justice in Testamentary Affairs &

Philemon Lloyd Esq^r & three others from the Upper House delivers M^r Speaker the foll^o Message viz.

By the Upper House of Assembly

July the 21st 1726.

Gent.

In answer to your Message this day by Col^o John Mackall and Eleven more this House do's appoint Philemon Lloyd Esq^r Col^o Mathew Tilghman Ward James Bowles Esq^r & Philip Lee Esq^r Members of this House to join Col^o Jn^o Mackall Col^o Tho^s Truman Greenfield James Harris Esq^r Cap^t George Dent Cap^t Rob^t King, Cap^t Levin Gale, Cap^t Henry Hooper, Vachel Denton Esq^r M^r James Holliday M^r

L. H. J. Thomas Gant, Jn^o Beale Esq^r & M^r Walt^r Smith Members appointed by your House in the Conference propos'd who will be ready to attend at the Conference Chamber at two of the Clock this Afternoon

Signd p Ord^r Geo. Plater Cl Up H^o

The House adjourns till two of the Clock in the Afternoon

Post Merediem.

The House met.

A supplementary Bill to the Act for better Administration of Justice in Testamentary Affairs &c. And

A Bill in favour of Jn^o Galloway and John Giles were severally read the first and second times by especiall Order and past which were so endorst & sent to the upper House by M^r Beale & M^r Worthington

They return & say they delivered them

An engrost Bill for repealing the Act for relief of poor p. 24 Debtors &c was read and assented to and was so endorst and sent to the Upper House by Col^o Belt & M^r Mathews. They return and say they delivered it.

On a Motion being made the Question was put whether the Vote in the morning on the Tob^o Bill shall be resumed or not Carried in the negative.

Col^o Ward from the Upper House delivers M^r Speaker The Paper Bill for dividing Part of Saint John's Parish And the Paper Bill for repealing the Act for relief of poor prisoners severally thus endorst viz.

July the 21st 1726.

The engrost Bill whereof this is the originall is read and assented to by the Upper House of Assembly &

Signd p Order. Geo: Plater Cl. up. Ho.

And the Bill in favour of Jn^o Galloway and John Giles thus endorst viz.

By the Upper House of Assembly, July the 21st 1726.

Read and will pass.

Sign'd p Order Geo. Plater Cl. Up. H^o

A Bill for the further encouragement of Tillage was read the first & second Times by especiall Order and past, which was so endorst and Sent to the Upper House by Col^o Ward and M^r Chairs.

They return and Say they delivered it.

L. H. J.

The House adjourns till to morrow Morning Eight of the Clock.

Friday Morning July the 22^d 1726

The House meets according to Adjournment.

Yesterday's Proceedings are read.

On reading the Report of the Committee of Aggrievances last Sessions relating to Col^o Herrman The further Consideration thereof is referr'd till next Sessions of Assembly And

Ordered that Summons issue from this House for all such persons and Evidences as shall be by the said Col^o Herrman named to the Clerk hereof And also that William Hunter appear before some Magistrate of Baltemore County and there give his Deposicōn relating to the Complaint And that he also appear before this House next Sessions as an Evidence on Behalf of the said Herrman

James Bowles Esq^r from the Upper House delivers M^r Speaker The Bill for the further Encouragement of Tillage &c. thus endorst viz

By the Upper House of Assembly July the 22^d 1726

Read and will Pass.

Sign'd p Order. Geo. Plater Cl. Up. Ho.

Thereupon the same past for engrosing.

Jn^o Rousby Esq^r from the Upper House delivers M^r Speaker the Petitions of Stepney Parish thus endorst viz.

By the Upper House of Assembly July the 22^d 1726.

p. 25

Gent.

We Concurr with you in your Message by Cap^t Levin Gale and M^r Dashiell of the 20th Instant relating to Stepney Parish in Somerset County.

Sign'd p Order. Geo. Plater Cl up Ho.

On reading the petition of Josias Sunderland, The Question was put whether a Bill shall be brought in for Confirming the Judgment of Calvert County Court or not? And it was carried in the Affirmative

The Petition of Mary Orrell is further referr'd till next Sessions.

L. H. J. Col^o Mackall from the Conference app^{ted} on the Subject Matter of the Bill for advancing the Staple of this Province returns the following Report viz.

At a Conference appointed by the Upper and lower Houses of Assembly and held in the Conference Chamber on Thursday the 21st of July 1726 on the Subject Matter of the Bill for advancing the Staple of this Province.

The Members appointed are as follows.

The hon ^{ble}	Philemon Lloyd Esq ^r Col ^o Mathew Tilghman Ward James Bowles Esq ^r Philip Lee Esq ^r	} Of the Upper House.
The hon ^{ble}	Col ^o John Mackall Col ^o Tho ^s Truman Greenfield James Harris Esq ^r Cap ^t George Dent Cap ^t Robert King Cap ^t Levin Gale Cap ^t Henry Hooper Vachel Denton Esq ^r M ^r James Holliday M ^r Thomas Gant John Beale Esq ^r M ^r Walter Smith	} Of the Lower House

[Who] Choose Philemon Lloyd Esq^r Chairman & George Plater Clerk and thereupon proceed to the Subject Matter given them in Charge.

The said Conferrees upon mature Consideration of the Bill af^d are of Opinion that the Clause relating to cutting up Tobacco Plants this present Year stands as in the Bill. That the Deduction of one Third of all Tobacco Debts & publick Allowances likewise stands as the Bill directs

3^{dly} That foreign Merchants ought not to be Exempt from the Deduction therein

Signd p Order Geo: Plater Cl. Conferrees.

p. 26 An engrost Bill in favour of John Galloway and John Giles was read & assented to by this House & was so endorst and sent to the Upper House by M^r Beale and M^r Warfield. They return and say they delivered it

The House adjourns till two of the Clock afternoon

Post Merediem.

L. H. J.

The House met.

The Reference relating to the Clergy is further referr'd till next Sessions.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Supplementary Bill to the Act for better Adm^m of Justice in Testamentary Affairs thus endorst viz:

By the Upper House of Assembly July 22^d 1726

Read & will pass.

Sign'd p Order. Geo. Plater Cl. [Up. Ho.]

Thereupon the same past for engrosing.

And delivers the paper Bill in favour of John Galloway and John Giles thus endorst viz.

July the 22^d 1726.

The engrost Bill whereof this is the originall is read and assented to by this House

Sign'd p Order Geo Plater Cl. Up. Ho.

On the Representation of two of the Members of this House that Charles Carroll Gent has comitted a Breach of the priviledge of the said House,

Ordered that the Sergeant Attend^t take the said Carroll and bring him before the House to answer for his Contempt therein.

M^r Carroll in the Custody of the Sergeant appears, and it appearing that he has Challenged M^r James Hollyday a Member of this House during the Sitting thereof,

Resolved that the said Carroll ask the pardon of the House for such his Offence, And that he remains in the Custody of the Sergeant untill he give Security himself in the Sum of One thousand pounds Sterling And two Securities in five hundred pounds Sterl Each to keep the peace &c. And pay to the Clerk and Sergeant Ten Shillings Each

The said Carroll asks pardon of the House but chooses rather to Continue in the Custody of the Sergeant than give the Security required.

M^r James Holliday is likewise required to give the same Security for accepting the Challenge, which he Accordingly does before the hon^{ble} Thomas Addison Esq^r one of the Justices of the Provinciaall Court.

L. H. J. Philip Lee Esq^r from the Upper House delivers M^r Speaker
The Bill in favour of Jn^o Rider Gent thus endorst viz.

By the Upper House of Assembly July the 22^d 1726.

This Bill will not pass for the Reasons alleged in the Mes-
sage herewith sent

Signd p Ord^r Geo. Plater Cl. Up. H^o

And delivers also that Message viz.

By the Upper House of Assembly July 22^d 1726

Gent.

p. 27 On reading the Bill sent from your House for repealing all
that Part of an Act of Assembly entituled An Act for quiet-
ing the Possession of the Indians on Nanticoke & Choptank
Rivers which relates to the Lands of M^r John Rider and on
Considering that Part of the said Act, intended to be repealed
by the said Bill, We Cannot find that the originall Title of
the said John Rider is any ways injured by that Act nor that
it do's in a particular Manner injure or debarr the said John
Rider more than any other persons who have Lands compre-
hended within the Bounds of that Indian Town nor that it
do's in any Respect affect the Title of the said John Rider
otherwise than by hindring him or any other person from
entring upon the Present Possession of those Indians and giv-
ing them Disturbance therein which Restraint We think ab-
solutely necessary to be laid on all persons in order to quiet
the minds of those Indians and Preserve the Peace of this
Province; and to Convince your House of the necessity of such
Restraint We take Leave to remind you of the frequent Com-
plaints heretofore made by them of the Encroachments of the
English to the great Charge of this Province w^{ch} Occasioned
the making of that Law and as a fresh Instance of such En-
croachments where provision has not been yet made to hinder
it We herewth send you a Petition & Complaint of the Pocomo-
ke & Somerset County Indians w^{ch} We hope will induce You
to join in our Sentiments of the Case & not insist upon Passing
that Bill.

Sign'd p Order. Geo. Plater Cl Up H^o

The House adjourns till to morrow Morning Eight of the
Clock.

Saturday Morning July the 23rd 1726

The House meets according to Adjournment. Yesterday's
Proceedings are read

M^r William Beckingham takes the Oath of Attorney before L. H. J.
the House

Nicholas Lowe Esq^r from the Upper House delivers M^r Speaker the Petition of Thomas Sharp thus endorst viz.

By the Upper House of Assembly July the 23rd 1726.

Read and recomended to the Consideration of the Lower House of Assembly.

Sign'd p Order. Geo. Plater Cl. Up. H^o

Thereupon the same was read and rejected.

Col^o Addison from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly July the 23^d 1726.

Gentlemen.

This present Session of Assembly drawing towards a Conclusion We think it proper to put you in mind of reviving all such temporary Laws as are like to expire before the Meeting of another Assembly and particularly the Act for regulating of Ordinaries which we are of Opinion will be much better done att this Sessions than by putting the Country to the Charge of Another Meeting to do it in

Signd p Order Geo. Plater Cl Up H^o

On reading the petition of Francis Holland referd from last Sessions And the pet^o of John Hall Esq^r this Sessions relating thereto It is the Opinion of this House that the Pet^r is otherways relievable and thereupon the Petition is dismiss.

A Bill reviving the Act for regulating Ordinaries was read p. 28
the first and second Times by especiall Order and past which was so endorst and Sent to the Upper House by Cap^t Hooper & Cap^t Harrison

They return and say they delivered it

Philemon Lloyd Esq^r wth three others from the Upper House delivers M^r Speaker The Bill for advancing the Staple of this province thus endorst

By the Upper House of Assembly July the 23^d 1726.

This Bill being read will pass with the Amendments propos'd in the Message herewith sent.

Signd p Order Geo. Plater Cl Up H^o

L. H. J. And delivers the Message viz.

By the Upper House of Assembly July 23^d 1726.
Gentlemen.

On reading and considering the Report of the Conferrees relating to the Bill for advancing the Staple of this Province We cannot agree thereto, And therefore propose to yo^r House the following Amendments to that Bill.

1st That [that] part of the Bill which directs the Cutting up all Tobacco planted this year (above Eight thousand plants p Taxable) be omitted it being now too late to effect it

2^{dly} That no Deduction be made this Year and that the Deduction hereafter to be made instead of one third part be reduced to ten p Cent.

3^{dly} That provision be made for an Equivalent to the Lord Prop^r for the Loss he will sustain in his Revenue by lessening the Quantity of Tobacco.

With which Amendments the Bill will pass.

Signd p Order. Geo Plater Cl. Up. H^o

Thereupon the Question was put whether the Bill shall be enforced by a Message or not? And it passed in the negative.

Col^o Ward from the Upper House delivers M^r Speaker The Bill for reviving the Act for regulating Ordinaries thus endorst viz.

By the Upper House of Assembly July the 23^d 1726.

Read & will pass.

Sign'd p Order. Geo. Plater Cl. Up H^o

Thereupon the Bill past for engrosing.

The House adjourns till two a Clock afternoon

Post Merediem.

The House meets.

On reading the Representation of the rev^d M^r John Humphreys setting forth that he has been at a great Deal of Trouble in cleaning & regulating the Provinciall Library, severall Catalogues thereof being also produced, Resolved
p 29 that the said Humphreys be allowed Ten Pounds Current money for such his Trouble

An engrost Bill for reviving the Act for regulating Ordinaries And an Engrost Supplementary Bill to the Act for

better Administracōn of Justice in Testamentary Affairs, L. H. J. were severally read and assented to and were so endorst and sent to the upper House by Cap^t Hooper and Col^o Belt.

They return and Say they delivered them.

An Engrost Bill for the further Encouragement of Tillage was read and assented to, and was so endorst and sent to the Upper House by M^r Mathews and M^r Scott. They return & say they delivered it

James Bowles Esq^r and three others from the Upper House delivers M^r Speaker the three paper Bills viz :

The Bill for reviving the Act for regulating Ordinaries.

The Supplementary Bill to the Act for better Admⁿ of Justice in Testamentary affairs &

The Bill for the further Encouragement of Tillage, severally thus endorst viz.

July the 23^d 1726

The engrost Bill whereof this is the originall is read and assented to by the Upper House of Assembly &

Sign'd p Order. Geo. Plater Cl. Up H^o

And delivers a Bill to prevent the Cultivating of Seconds &c. thus endorst viz.

By the Upper House of Assembly July the 23rd 1726.

Read and will pass.

Sign'd p Order. Geo. Plater Cl. Up. H^o

Which being read the first Time It is Resolved that the same shall not have a second reading; which was accordingly endorst & sent to the Upper House by M^r Benj. Mackall & five others.

They return and say they delivered it

Nicholas Lowe Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

July the 23^d 1726

Gent.

As We hope this Session is near a Conclusion and our Message of the 21st Instant sent by John Hall Esq^r to your House [is] (as We Apprehend) of great Consequence to this province We think it necessary to recomend it to your further Consideration and desire your Answer thereto.

Sign'd p Order Geo. Plater Cl Up H^o

L. H. J. Thereupon the following Message is sent to the Upper House by Cap^t Hooper and Maj^r Skinner viz.

By the Lower House of Assembly

July the 23^d 1726

May it please your Hon^{rs}

In answer to your Message of the 19th Instant by John Hall p. 30 Esq^r and of the 23^d Instant by Nicholas Lowe Esq^r We are in hopes that by next Session of Assembly We shall better see the Effects of the Act made in October Assembly last relating to the runaway Negroes to the Shuano Town And as We hope this Session is near a Conclusion, We desire that the further Consideration thereof may be referr'd till next Session of Assembly and that your Honours will Concurr with us therein

Signd p Order M Jenifer Cl. lo. ho.

They return and Say they delivered it

A Bill for relief of Josias Sunderland was read the first & second Times by especiall Order & past which was so endorst and Sent to the Upper House by M^r Benj^a Mackall & Maj^r Skinner.

They return & Say they delivered it

John Hall Esq^r from the Upper House delivers M^r Speaker The same Bill thus endorst viz.

By the Upper House of Assembly July the 23^d 1726

Read and will pass.

Signd p Order Geo: Plater Cl. up H^o

Thereupon the same past for engrosing

The Journall of the Comittee of Accounts was read and Assented to & was so endorst and sent to the Upper House by the Gent of that Comittee.

They return and say they delivered it.

The House proceeds to tax the Fees on the following Bills viz.

On W ^m Bozman's Bill To the hoñble Speaker	£1..—..-
To the Clerk	--.10..-
On Thomas Osborn's Bill To the hoñble Speaker	1..—..-
To the Clerk	--.10..-

On Jn ^o Galloway & Giles Bill To the ho ⁿ ble Speaker	1..—..-	L. H. J.
To the Clerk	-..10..-	
On Abel Makepeace's Bill To the ho ⁿ ble Speaker	2..—..-	
To the Clerk	1..—..-	

The House adjourns till to Morrow Morning Eight a Clock

Monday Morning July the 25th 1726.

The House meets according to Adjournment.

Saturday's Proceedings are read.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

July the 25th 1726

Gentlemen.

His Lordship having given such ample and moving Reasons to your House tending to the Discharge of our Demands against the Publick as his Lordship's Council of State after the usuall Manner there remains nothing for us to say further to you on this Head, save the Continuance of our just Claims against you, for the Arrears due to us which we hope your prudence will direct you to Discharge.

Sign'd p Order Geo. Plater Cl. Up. H^o

In Answer thereto the following Message is sent to the Upper House by Cap^t Hooper and Cap^t Harrison viz.

By the Lower House of Assembly July the 25th 1726.

May it please yo^r Hon^{rs}

The Reasons the Lord Prop^r has given us for making You an Allowance by a Poll Tax as a Council of State are not Sufficient to induce us to reced from our former Resolutions. We therefore Desire that you'l insist no longer upon our doing it

Signd p Order M Jenifer Cl. Lo. Ho.

They return and say they delivered it.

Philip Lee Esq^r from the Upper House delivers M^r Speaker The Journall of the Comittee of Accounts thus endorst.

July the 25th 1726.

Read and assented to by the Upper House of Assembly & Signd p Order. Geo. Plater Cl. Up. H^o

L. H. J. A Bill for laying the publick Levy for this Present Year 1726, was read the first and second Times by especiall Order and past, & was so endorst & sent to the Upper House by Cap^t Dent and M^r Worthington.

They return and say they delivered it.

Philip Lee Esq^r from the Upper House delivers M^r Speaker That Bill thus endorst viz.

By the Upper House of Assembly July the 25th 1726.

Read and will pass.

Signd p order. Geo. Plater Cl. Up. Ho.

Thereupon it past for engrosing.

An engrost Bill for relief of Josias Sunderland, & An Engrost Bill for laying the Publick Levy for this present Year 1726, Were severally read and assented [to] and were so endorst and Sent to the upper House by M^r Smith and Cap^t Gale They return & say they delivered them

Nicholas Lowe Esq^r from the Upper House delivers M^r Speaker The Paper Bills of the two last engrost Bills thus endorst viz.

July the 25th 1726.

The engrost Bill whereof this is the originall is read and Assented to by the upper House of Assembly &

Signd p Order Geo Plater Cl. Up. H^o

And delivers the following Message viz.

By the Upper House of Assembly

July the 25th 1726.

Gentlemen.

We desire that you would send two of the Members of your House to see the Laws sealed that have hitherto pass'd the two Houses that they may be sent to your House in order to be presented to his Honour the Governour for his Assent at the Close of this Sessions

Signd p Order Geo. Plater Cl. Up. H^o

p. 32 Ordered that M^r Crabb and Cap^t Dashiell go & see them sealed. They return and bring the Bills sealed.

John Beale & Vachel Denton Esq^{rs} Produce to the House the Heads of the Collections of sundry proceedings in Octo^r and March Assemblies last which this House approves of & Ordered that they transcribe the said Proceedings fit for the

Press, And that the printer print the same and the Laws with ^{L.H. J.} all Expedition. And it is further Ordered that the Lord Prop^{rs} & his Hon^r the Governour's Speeches & Answer this Session and the Messages relating to the Councillors Allowances be also Printed

Ordered that the Comittee for laying the Publick Levy allow the said Beale and Denton what they shall think fit for their Services therein.

Ordered that the Treasurer of the Eastern or Western Shore pay to Vachel Denton Esq^r or Order Seventy five Pounds Current Money being so much allow'd him in March Assembly last.

Ordered that M^r Crabb & Cap^t Dent go to the Upper House and acquaint his Honour the Governour that nothing of publick Business remains before this House unfinished.

They return and say they delivered their Message.

Col^o Holland from the Upper House acquaints M^r Speaker That His Hon^r the Governour requires him and the whole House to attend him imediately in the Upper House & withdrew.

Thereupon M^r Speaker wth the whole House go to the upper House, where M^r Speaker Presents to his Hon^r the Govern^r the severall Engrost Bills following for his Assent viz.

N^o 1. An engrost Bill for uniting Part of Baltemore County to Ann Arundell County.

2. An engrost Bill to Confirm a Marriage Agreement heretofore made betwixt Randall Revell Sen^r & Catherine his Wife on the Behalf of Randall Revell jun^r and Sarah his Wife and to Invest the heirs of the said Sarah with an Estate of Fee tail generall according to the said Agreement.

3 An engrost Bill for reviving An Act intituled An Act for raising a Duty of three Pence p^r hh^d on all Tobacco exported out of this Province for the uses therein mentioned.

4. An engrost Bill reviving and Continuing the Act for ascertaining the Gauge and Tare of Tobacco hogsheads &c.

5. An engrost Bill repealing An Act of Assembly intituled An Act for the Relief and Release of poor distressed prisoners for Debt.

6. An engrost Bill for dividing part of Saint John's Parish ^{p. 33} in Prince George's County and for erecting Part thereof into a new Parish.

7. An engrost Bill making good and effectuell in Law a Deed of Bargain and Sale from Thomas Dent of Charles County to Thomas Osburn of the same County when recorded.

L. H. J. 8. An engrost Bill in favour of John Galloway and John Giles to enable them to record a certain Deed herein mentioned and to Confirm the Recording thereof.

9. A Supplementary Engrost Bill to the Act for better Administration of Justice in Testamentary Affairs, granting Administrations Recovery of Legacies securing filial portions and Distribution of Intestates Estates.

10 An engrost Bill for the further Encouragement of Tillage and Husbandry

11. An engrost Bill reviving & Continuing An Act intituled An Act for regulating of Ordinaries.

12. An engrost Bill for the Relief of Josias Sunderland of Calvert County from the Reversall of a Judgment obtain'd ag^t him in his L^{pp} Prov^l Court by Samuel Gover of Ann Arundell County on an Appeal from Calvert County Court the originall Action being brought as well at the suit of the said Lord Prop^{ry} as the said Sunderland And for the affirming the Judgment obtain'd by his L^{pp} and Sunderland ag^t the said Samuel Gover in Calvert County Court.

13. An engrost Bill empowering a Comittee to lay assess and apportion the Publick Levy for this present year Seventeen hundred & twenty six.

All which his Hon^r the Governour was pleas'd to pass into Laws by Sealing them wth the right hon^{ble} the Lord Prop^{ry} great Seale of this province and severally thus endorsing them viz.

July the 25th 1726.

On Behalf of the right hon^{ble} the Lord Proprietary of this Province, I will this be a Law.

Cha. Calvert.

After which his Hon^r the Gov^r was pleas'd to prorogue this generall Assembly in the following Words viz.

Gentlemen of the Upper and Lower Houses of Assembly.

This Sessions being concluded, it remains only, that I Prorogue You, which I hereby do, with the Advice of his Lordship's Councill, to the second Tuesday of November next; And you are required to take notice, that you are accordingly so prorogued.

25th July 1726.

Cha. Calvert

p. 34 M^r Speaker wth the whole House return to their own House where M^r Speaker resumes the Chair and Reports what his

Hon^r the Gov^r had before done, And that he was pleas'd with L. H. J.
the Advice of his Lordship's Councill, to prorogue this present
generall Assembly to the Second Tuesday in November next.

To which Time this House accordingly prorogues itself.

Thus endeth this Present Session of Assembly the twenty
fifth day of July in the eleventh Year of the Domⁿ of the right
hon^{ble} Charles Absolute Lord & Prop^r of the Provinces of
Maryland & Avalon in and over this Province Annoq Dni
1726.

M. Jenifer Cl. Lo. Ho.

ACTS.¹

At a Session of Assembly begun and held at the City of Annapolis, in the County of Ann-Arundel, for the Province of Maryland, on the 12th, and ended the 25th Day of July, in the 12th Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltemore, &c. Annoq; Domini 1726, were Enacted the Laws following, viz.

Bacon's
Laws

Charles Calvert, Esq; Governor

A Supplementary Act to the Act for the better Administration of Justice in Testamentary Affairs, Granting Administrations, Recovery of Legacies, Securing Filial Portions, and Distribution of Intestates Estates. Chap. IX

Forasmuch as it is represented to this General Assembly, That several of the Inhabitants of this Province have suffered much Damage by the Shortness of the Time allowed for entering and prosecuting Appeals, from the Sentences and Decrees made in the Prerogative Court for Probate of Wills within this Province;

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Person against whom any Sentence or Decree hath been made in the said Court, since the first Day of May this present Year, shall and may, by virtue of this Act, be at Liberty to enter an Appeal from any such Sentence or Decree, at any Time within Thirty Days after the End of this present Session of Assembly, and the said Appeal to prosecute before a Court of Delegates, at any Time within Thirty Days after such Appeal is entered: And that all Persons against whom any Sentence or Decree in the said Prerogative Court shall hereafter be made, shall be allowed the Space of Thirty Days to enter an Appeal therefrom, and Thirty Days more to prosecute such before a Court of Delegates; any thing in the Act for the better Administration of Justice in Testamentary Affairs, Granting Administrations &c. or any other Law, Statute, Usage or Custom to the contrary thereof notwithstanding.

¹Of the public general laws passed at this session, but one remained in force in 1765, the text of which is taken from Bacon's *Laws of Maryland at Large*, published in that year.

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- Supplementary Act to the Act for Marking of Highways.
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