

U. H. J. we desire the Bill may be altered Accordingly with this further Alteration viz. that the time of payment be the 10th of April agreeable to the Tobacco Law.

Signed p Order Geo Plater Cl Up Ho.

Read the second time the Bill Entituled An Act to Appropriate part of the Land laid out in the City of Annapolis for the building a Custom House to and for the building a Market House which is ordered to be thus endors'd viz.

By the Upper House of Assembly November the 1st 1728

Read the second time & will pass.

Signed p Order Geo Plater Cl Up Ho.

Sent down to the Lower House by Col^o Mathew Tilghman Ward
The following message is prepared & sent to the Lower House by Benj^a Tasker Esq^r viz.

By the Upper House of Assembly November the 1st 1728

Gentlemen

In Answer to your Message of yesterday by John Beale Esq^r and Col^o Bell in relation to the Amendment propos'd by our House in the form of the Oath of Judge or Justice we do Confess the words as are, and, as now are to be Equivalent terms implying Something then Subsisting but when applied to the form of the Oath could not we conceive in any construction of good Sence have relation to the Laws of England either now in force or hereafter to be in force otherwise than as those Laws are Agreeable to the usage and Constitution of this Province this gave occasion to the Amendment as it was thought necessary for putting the truc sence and real design of the Oath in a Clear Light

In this opinion we are confirmed as well from the reason of the thing as by the Authority of a message of your own House transmitted to us 3^d of November 1724 whence in you yourselves lay it
p. 384 down as a Rule that the Judges being sworn to judge according to the Law of England and Usage of this Province will be thereby Obligated to Judge no otherwise according to the Law of England than is agreeable to the usage of this province nor doth the words as are, in the opinion of this House when added to Agreeable to the Usage Constitution of this province import anything more than what is Expressly Asserted in the Above Rule

For as we take it the Than is agreeable to &c^a in the message of your House and our as Agreeable to &c^a in the amendments proposed are in like manner equivalent Convertible Terms implying the same thing in the Strictest construction that can be put upon the words