

tion of it, is of very great Consequence to his Majestys Subjects U. H. J.
•within this Province, that he gives Security for his good Behaviour
in the Office, that he and his Sureties, and not the Commissary General
are answerable for any Malefeazance or Negligence in his
Office, that it is possible an Officer who holds his Office upon so
precarious a Tenure as the Will and Pleasure of the Person who p. 39
nominates him, would be less solicitous to discharge his Duty as he
ought (should the discharge thereof interfere with the Inclination
of the Person appointing him) than to please the Person in whose
Power it is to remove him, And that the Security of the People
(which is the true End of instituting Offices & Officers) consists in
a great Measure in Officers who are concerned in the Administracōn
of Justice being independent: We conceive Ourselves to be justifi-
fied in this Our Opinion by the Statute of the I W & M Ch.—
whereby the Clerk of the peace who is named by Custos Rotularum
has a freehold in his Office, altho' the Custos himself has but an
Estate at will, as well as by the Arguments of the Reverend and
Learned Judges in a Case concerning the Office of Clerk of the
Peace, and that Officers, who have fees and Avails out of their
Offices ought not, by the Common Law to be removed unless they
misbehave themselves

The second Amendment proposed, Nor shall any Judge give any
other Allowance &c. We conceive ought not to be left out of the
present bill, because the Allowances in the former Acts, to which
the present bill in this particular is exactly agreeable have been
found to be just and reasonable

The third Amendment proposed, That the Justices of the several
County Courts be left out and the Governor and Council inserted;
This house cannot agree to because several Members thereof, have
known by Experience that the Provision in the former Act Empow-
ering the Governor & Council to secure the Orphans of Protestants
from being educated in the Romish Religion has failed of having
the desired Effect, many People who would readily have applyed to
the County Courts upon such Occasions, having for fear of the
Expence & fatigue of coming to Annapolis, made no application
for the Remov^d of Orphans whose Fathers were Protestants, and
who for Want of such Application have been brought up in the
Popish Religion

The fourth Amendment proposed Viz. Instead of Protestant
Religion the Religion of the Church of England to be inserted.
This house cannot agree to because that any Provision to be made
in an Act of Assembly to Educate the Children of Protestant Dis-
senter in the Communion of the Church of England would be (as
We conceive) an Infringement of the legal Toleration granted to p. 40
Dissenters, which Toleration ought not to be violated on any Pre-
tence whatsoever, and as the Bill provides that the Children of all