

Sort material or necessary, yet in Order that a Bill so beneficial to the Province may not be lost we have agreed to the first four of your Amendments, but cannot consent to the Mode of Recovery of the Fines and Penalties imposed by the Bill, as the Method imposed by your Honours will be attended with considerable Expence and great Delay, discourage Persons that otherwise might be induced to inform if the Recoveries could be obtained with more Ease and Dispatch, and consequently defeat the End proposed by the Bill

U. H. J.  
Liber No. 35  
May 3

We hope therefore that your Honours will recede from that Amendment which if you do the Bill with the others will pass our House for engrossing.

Signed p. Order M Macnemara Cl. Lo: Ho:

Adjourned 'till to Morrow Morning ten of the Clock

Thursday Morning 4<sup>th</sup> of May 1758:

May 4

This House met again according to Adjournment.

*Present as Yesterday*

The following Message with the Bill, entitled, An Act for granting a Supply of £45000: for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and emitting £35000: thereof in Bills of Credit and raising a Fund for sinking and replacing the Whole by an equal Assessment on all Estates real and personal and lucrative Offices and Employments is sent to the Lower House by Richard Lee Esq.<sup>r</sup>

By the Upper House of Assembly 4. May 1758.

Gentlemen

The Reason you give to vindicate the Style of the Preamble of your Bill is not satisfactory to us, because there is not that exact Analogy between the Constitutions of this Province and the Mother Country which you would take for granted the Weight of precedents urged in Support of the Priviledge claimed by the House of Commons in Respect of Mony Bills can't be pretended to by your House, on the Contrary the Number and Weight of the Precedents here are too clearly against you to be controverted. That Money Bills have taken their Rise in the Upper House, that they have been framed in a Committee composed of the Members of both Houses, and that they have been amended by us we presume need not be proved.

We do not claim our judicial Power because we are a mediate Branch of the Legislature but because it is conferred upon us by an Act of Assembly constituting the Members of the Upper House Judges of the Court of Appeals were there not such a Source of the judicial Power we exercise we are inclined to think that you would not admit a Right to it deduced only from a supposed Analogy

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