

Establishment of Religious Worship within this Province, according to the Church of England, and for the Maintenance of Ministers.

U. H. J.
Liber No. 36
June 16

Read the first and second time in the Lower House and will Pass.

Read the first time in this House and Ordered to lye on the Table

The following Message, together with the Bill Entitled An Act for Recovery of certain Amercements, and also upon Defaults on Execution, is sent by Walter Dulany Esq.,^r

By the Upper House of Assembly 16.th June 1768.

Gentlemen

The Amendment You have proposed to the Bill, Entitled An Act for Recovery of certain Amercements, and also upon Defaults on Execution, we are Apprehensive might, if adopted, be productive of some Inconvenience, and therefore are desirous to have it passed into a Law according to its Original Frame

A Sheriff, amerced to the Extent of a Bail Bond, and compelled to pay that sum, would we apprehend be intituled to Recover it against the Defendant, and his Sureties, but we do not perceive, if a new Writ should be issued against the Defendant, before the Sheriffs Receipt from the Debtors, how the Original Plaintiff would be hindered from recovering, at Law, the whole Debt due on his Contract, and if any Method could be fallen upon, by which the Defendant might intitle himself to Credit, for the sum of the Forfeited Bond, yet, if the Plaintiffs Demand should be in Money, Sterling, or Current, inasmuch as the worth of Tobacco is fluctuating, and the comparative Value between that Commodity and Money is not Established, it might frequently be a Question at what Sum in Money the Tobacco ought to be extended, in the Credit, and a Plaintiff might be Compelled to accept a Satisfaction, not only variant from his Contract, but Inconvenient to him to dispose of, in Order to raise his Money; under the Statute for the Amendment of the Law, and the Practice thereon, when an Assigned Bond is put in Suit, the Defendant, on Payment of the Costs is, we understand, admitted to appear, and plead to the Original Action, But of this Relief he might be deprived, in many Instances, by the Plaintiffs chusing to proceed to an Amercement of the Sheriff, rather than to take an Assignment of the Bail Bond, and the Sheriff, being thereby driven to seek a Satisfaction against the Principal and his Sureties. We, also, suspect that it might soon become the practice to proceed to an Amercement of the Sheriff, and leave him to put in Suit the Bail Bonds, because the sum might be more Easily obtained from the Sheriff on an Amercement, than on a Suit of this kind of Bond, which might frequently bring great Hardships upon