

Extract of a Letter from Gibraltar, August 20. We have just received Advice here, that the Danish Squadron before Algiers has been reinforced by Three Ships of the Line, Three large Frigates and several Bomb-ketches; that they soon after began to bombard Algiers afresh; that they had made a Breach, had knocked down some Battlements, and dismounted several of their Guns; that they had sent to the Admiral fresh Provisions, on which Account they ceased firing, and called a Council of War to deliberate upon them, and after a short Time rejected them; on which the firing was again renewed very briskly, and continued so when the Advice boat came away.

ANNAPOLIS, November 22.

Yesterday in the Evening his Excellency the Governor, after passing a Number of Laws, a List of which will be inserted in our next; was pleased to prorogue the General Assembly of this Province to Tuesday the 11th Day of December next.

An Act for more effectually preventing the buying and selling of Offices, and to prevent Simoniackal Contracts.

FOR the avoiding of Corruption which may hereafter happen to be in the Offices and Ministers in those Courts or Places wherein there is requisite to be had the true Administration of Justice, or Services of Trust; and to the Intent that Persons worthy and meet to be advanced to the Place where Justice is to be ministered, or any Service of Trust executed, shall hereafter be preferred to the same, and no other.

Be it enacted and declared, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Majesty's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same; That if any Person or Persons, at any Time hereafter, bargain or sell any Office or Offices, or Deputation of any Office or Offices, or any Part or Parcel of any of them; or receive, have, or take any Money, Fee, Reward, or any other Profit, directly or indirectly, or take any Promise, Agreement, Covenant, Bond, or any Assurance to receive or have any Money, Fee, Reward, or other Profit, directly or indirectly, for any Office or Offices, or for the Deputation of any Office or Offices, or any Part of any of them, or to the Intent that any Person should have, Exercise, or enjoy any Office or Offices, or the Deputation of any Office or Offices, or any Part of any of them, which Office or Offices, or any Part or Parcel of them, shall in any wise touch or concern the Administration or Execution of Justice; or any Service of Trust to be executed, or which shall concern or touch any Clerkship, to be occupied in any Manner of Court of Record wherein Justice is to be ministered; that then all and every such Person or Persons, that shall so bargain or sell any of the said Office or Offices, Deputation or Deputations, or that shall take any Money, Fee, Reward or Profit, for any of the said Office or Offices, Deputation or Deputations, or any of the said Offices, or any Part of any of them, or that shall take any Promise, Covenant, Bond or Assurance, for any Money, Reward or Profit, to be given for any of the said Office or Offices, Deputation or Deputations of any of the said Office or Offices, or any Part of any of them, shall not only lose and forfeit all his and their Right, Interest and Estate, which such Person or Persons shall then have, of, in, or to any of the said Office or Offices, Deputation or Deputations, or any Part of any of them, or of, in, or to the Gift or Nomination of any of the said Office or Offices, Deputation or Deputations for the which Office or Offices, or for the Deputation or Deputations of which Office or Offices, or for any Part of any of them, any such Person or Persons shall so make any Bargain or Sale, or take or receive any Sum of Money, Fee, Reward or Profit, or any Promise, Covenant, Bond or Assurance to have or receive any Fee, Reward, Money or Profit; but also, that all and every such Person or Persons, who shall, directly or indirectly, give or pay any Sum of Money, Reward or Fee, or shall make any Promise, Agreement, Bond or Assurance, for any of the said Offices, or for the Deputation or Deputations of any of the said Office or Offices, or any Part of any of them, shall immediately, by and upon the same Fee, Money or Reward, given or paid, or upon any such Promise, Covenant, Bond or Agreement, had or made for any Fee, Sum of Money, or Reward to be paid, as is aforesaid, be adjudged a disabled Person in the Law, to all Intents and Purposes, to have, occupy or enjoy the said Office or Offices, Deputation or Deputations, or any Part of any of them, for the which, such Person or Persons, shall so give or pay any Sum of Money, Fee or Reward, or make any Promise, Covenant, Bond or other Assurance to give or pay any Sum of Money, Fee or Reward, or any other Office or Offices, or any Part or Parcel of them, that in any wise touch or concern the Administration or Execution of Justice, or any Service of Trust: And if any Person or Persons shall, at any Time hereafter, be appointed or nominated to any of the said Offices, by or through the Means or Procurement of any other Person, who shall pay any Sum of Money, Reward or Fee, or shall make any Promise, Covenant, Bond or Fee, or shall make any Promise, Covenant, Bond or Fee, or shall make any Promise, Covenant, Bond or Fee, or shall make any Promise, Covenant, Bond or Fee, and to which he shall not be privy, such Person shall thereupon, and from thenceforth be adjudged a disabled Person in Law, to have, occupy or enjoy the said Office or Offices, Deputation or Deputations, or any Part of any of them.

And be it also enacted by the Authority aforesaid, That all and every such Bargains, Sales, Promises, Bonds, Agreements, Covenants and Assurances as before specified, shall be void, to and against him and them by whom any such Bargain, Sale, Bond, Promise, Covenant or Assurance, shall be had or made.

Provided also, That if any Person or Persons, do hereafter offend in any Thing contrary to the Tenor and Effect of this Act, yet that notwithstanding all Judgments given, and all other Acts and Acts, executed or done by any such Person or Persons so offending, by Autho-

rity or Colour of the Office or Deputation which ought to be forfeited, or not occupied, or not enjoyed by the Person so offending, as is aforesaid, after the said Offence so by such Person committed or done, and before such Person so offending, for the same Offence, be removed from the Exercise, Administration and Occupation of the said Office or Deputation, shall be and remain good and sufficient in Law, to all Intents, Contractions, and Purposes, in such like Manner and Form as the same should, or ought to have remained and been, if this Act had never been made.

And be it further enacted, That every Person who shall be nominated, elected or appointed to the Office of Chancellor, or Keeper of the Great Seal, Secretary, Comptroller-General, Register of the Land-Office, or by whatsoever other Denomination the Person or Persons shall be called to whom the said Office and Perquisites shall be committed, County Clerks, Sheriffs, Surveyors-General, and their Deputies, Judges of the Admiralty Courts, Examiners-General and Naval Officers, before he shall enter upon the Execution of his said Office, shall, before a Provincial or County Justice, take the following Oath, to wit: I do swear, that I have not given or paid, nor will I give or pay, any Sum or Sums of Money, or other Reward whatsoever, either than the Lawful Fee, nor have given any Bond, or other Assurance, to give any Money, Fee or Profit, directly or indirectly, to any Person or Persons whatsoever, for the Nomination or Appointment of me to the Office of the said Office, nor with any other Person, with my Consent, or to my Knowledge or Privy, paid, or given any Sum or Sums of Money, or other Reward whatsoever, nor given any Bond, or other Assurance, or Promise, to pay any Money, Fee, or Profit, directly or indirectly, to any Person or Persons whatsoever, for the Nomination or Appointment of me to the said Office; so help me God, under the Penalty of One Thousand Pounds Sterling, to be recovered with Costs, in the Name of the Lord Proprietary, and the Informer by Action of Debt founded on this Act, in which it shall be sufficient to allege, that the Defaulter is indebted in the aforesaid Sum of Money, whereby he hath accrued according to the Form of this Act of Assembly, without setting forth the special Matter, provided a short Note, expressing the Cause of Action, be lodged in the Office at the Time of issuing the Writ, One Half to the Informer, and the other Half to be paid to the Sheriff of the County in which the Recovery shall happen, to be by him paid to the Comptroller-General for emitting Bills of Credit for the Use of the Publick of this Province; and in Case there shall be no Informer, the said Penalty may be recovered by Indictment, and paid in the Manner, and to such Persons as aforesaid, for the Use of the Publick: And the Justice or Justices, before whom such Oath shall be taken, shall give a Certificate thereof under his Hand, which Certificate shall be entered in the Records of the Provincial Court, or the Records of the County Court in which such Office shall be exercised; before such Officer shall be entitled to demand, take, or receive any Fee or Profits of his Office. And for preventing all Simoniackal Contracts, for or concerning Church-Livings, and to the End that faithful and able Ministers, labouring in the Work of the Gospel, may be promoted in this Province,

Be it enacted, That every Minister, who shall be presented, inducted, or appointed, to any Church-Living, or Benefice, within this Province, shall, within Four Months thereafter, take and subscribe the several Oaths appointed by Law to be taken to the Government, and repeat and subscribe the Test, in the Provincial Court, or in the County Court of the County in which his Living or Benefice shall be, and also the following Oath, to wit: I, A. B. do swear, that I have made no Simoniackal Payments, Contract or Promise, directly or indirectly, by myself or by any other, to my Knowledge, or with my Consent, to any Person or Persons whatsoever, for or concerning the procuring or obtaining the Benefice or Living of Parish, whereunto I was presented, inducted or appointed, on the Day of the Year, nor will, at any Time hereafter, perform or satisfy in any Manner, directly or indirectly, any such Kind of Payment, Contract or Promise whatsoever, made by any other without my Knowledge or Consent, so help me God, through JESUS CHRIST.

And be it further enacted, That in Case any Minister shall, directly or indirectly, give any Sum of Money, Reward, Gift, Profit or Benefit, or shall, directly or indirectly, make or give any Agreement, Promise, Grant, Bond or other Assurance, for the paying or giving any Sum of Money, Reward, Gift, Profit or Benefit, or to resign his Benefice, for procuring his Presentation, Induction or Appointment to his Benefice, or shall wilfully omit or neglect to take all and every the Oaths aforesaid, and in the Manner and within the Time aforesaid, or in Case any Minister shall in any Manner be concerned in any Simoniackal Contract, such Minister shall thereupon, and from thenceforth be adjudged a disabled Person in Law, to have or hold the same, or any other Benefice or Church-Living within this Province; and if any Minister shall be presented, inducted or appointed, to any Benefice or Church-Living in this Province, by or through the Means of any Simoniackal Contract or Agreement, to which he shall not be privy, such Minister shall thereupon, and from thenceforth be adjudged a disabled Person in Law, to have or hold the same Benefice or Church-Living.

Provided always, That no Lease, really, bona fide, and for good and valuable Consideration, made by any Person Simoniackally promoted or concerned in any Simoniackal Contract, to any Tenant or Person, not being privy to, or having Notice of such Simony, shall be impeached or avoided for or by Reason of such Simony.

By the Lower House of Assembly, 20. 1770. Read the Second Time, by special Order, and will pass.

Signed by Order, JOHN DUCKETT, Cl. Lo. Ho.

By the Upper House of Assembly, 17. Nov. 1770. Read the Second Time, and will pass with the Amendments annexed.

Signed by Order, G. SCOTT, Cl. Up. Ho.

By the Lower House of Assembly, Nov. 2, 1770. Read with the Amendments from the Upper House and rejected.

Signed by Order, JOHN DUCKETT, Cl. Lo. Ho.

By the Lower House of Assembly, Nov. 2, 1770. Ordered, That the Bill, entitled, An Act for more effectually preventing the buying and selling of Offices, and to prevent Simoniackal Contracts, with the Indorsements thereon, be immediately printed in the Maryland Gazette.

Signed by Order, JOHN DUCKETT, Cl. Lo. Ho.

In the Third Page, and in the Fourteenth Line, after the Word "General," insert "Judge or" and leave out the Words that follow after the Word "Office" in the said Line, to the Word "committed" in the Fifteenth Line inclusive. After the Word "Fee" in the Third Page, in the Oath prescribed, insert the following Words, to wit: "and according to the Relation of Part of the Profits, as expressed in my Affidavit, or Commission, and after the Word 'received' in the Sixth Line of the Fourth Page, leave out what follows to the Word 'Publick' inclusive, and insert the following Words, to wit: "by the Lord Proprietary, or for the same, by Bill, Pleint or Information" and after the Word "Office" in the Eighteenth Line of the said Page, insert the following Proviso, to wit: "Provided always, and be it enacted, by the Authority aforesaid, That this Act, or any Thing therein contained, shall not in any wise extend, or be prejudicial or hurtful to any Reservation of Part of the Profits of an Office or Deputation, by the Person conferring such Office or Deputation, the said Reservation being expressed in the Commission or Appointment to such Office, or Deputation, but that such Reservation shall have the same Effect as the same would, or might have, had, before the making of this Act, and not otherwise, any Thing notwithstanding." And after the Word "Consent" in the Seventh Line of the Fifth Page, add the following Words, to wit: "and that I will diligently and lawfully perform the several Duties appertaining unto my Office, according to the best of my Power and Ability." And in the Eleventh Line of the same Page, leave out the Words "or to resign his Benefice."

RESOLVED, against contradiction, That the Charge of Fees estimated at above the annual Amount of 60,000 lb. of Tobacco by the Comptroller-General, upon Administrations granted by his Deputies, and for which they are paid, is an Abuse of the old Regulation of Fees, illegal and oppressive.

Resolved unanimously, That the additional Charge, by the Comptroller-General, of order to almost every Service done in his Office, (estimated at above the annual Amount of 40,000 lb. of Tobacco) when, by the same Regulation, it was only allowed in Testamentary Causes, is an Abuse of that Regulation, illegal and oppressive.

Resolved unanimously, That the Charge, by the Secretary and County Clerks of this Province, for recording of Papers, in Actions discontinued, abated, struck off, or agreed, when they are not, nor need be recorded, is an Abuse of the same Regulation, illegal and oppressive.

Resolved unanimously, That the Charge by the Secretary, for making up Issues in the Provincial Court, when the same is done by the Attorneys for issuing a Venerable Facias for Jurors, when none is issued; for Copy of Judgment on issuing Executions; or for Search and Copy of Judgment on issuing Scire Facias, is an Abuse of the same Regulation, illegal and oppressive.

Resolved unanimously, That the Charge of 300 lb. of Tobacco, by Surveyors, for laying down adjacent Tracts, merely to correct the Errors of an original Survey, is an Abuse of that Regulation, illegal and oppressive.

Resolved unanimously, That the Charge of 300 lb. of Tobacco, by Surveyors, as for a Resurvey, for surveying or laying down each Tract of Land, on a Warrant of Survey, from the Provincial Court; and of 300 lb. of Tobacco for any Tract of Land laid down only for illustration, is an Abuse of that Regulation, illegal and oppressive.

Resolved unanimously, That the Charge, by the Examiner-General, on every Plat laid down for illustration, and on every Piece of Vacancy added, as on separate and distinct Tracts, is an Abuse of that Regulation, illegal and oppressive.

Resolved unanimously, That the Upper and Lower Houses of Assembly, having so far agreed on the Bill for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Regulation of Officers Fees, as that the County-Livy, Clergy's Dues and Attornies Fees should be payable in Tobacco or Money, at the Election of those who should be chargeable therewith, and it being the Duty of the General Assembly to enact and provide wholesome Laws, for the Ease, Welfare and Happiness of the People of this Province, the Upper House of Assembly, after their Negative on the said Bill, ought to have assented to the Bills formed by this House, to provide for the Payment of the County-Livy, Clergy's Dues and Attornies Fees, in that Manner.

Resolved against contradiction, That the Upper House, Four Members of which hold the Secretary's, Comptroller-General's and Land-Office, and the Fees of which Offices were attempted to be regulated by the first mentioned Bill, have, in the Intercourse between the Two Houses, on the Subject of that Bill, and by their ultimate Rejection thereof, manifested an unreasonable Attachment to the Emoluments of Office, and by their Rejection of the said Bill, that House hath evinced an unjustifiable Design to force this Branch of the Legislature, by the Feelings of the People, into a Regulation of Fees more correspondent to those Schemes of Wealth and Power, which it is much to be apprehended are formed by some of the great Officers, of this Government, and which, if carried into Execution, will tend to the Oppression of the People, and, in the End, greatly endanger their Liberties.

By the Lower House of Assembly, Nov. 21, 1770. Ordered, That the above Resolves be immediately printed in this Week's Maryland Gazette, and continued therein Three Weeks successively.

Signed by Order, JOHN DUCKETT, Cl. Lo. Ho.

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