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tion; or shall make or cause to be made, any undue or illegal election or returns thereof, or neglect to make returns of the delegates so to be elected, by indenture, before the day of sitting of such assembly, pursuant to the direction of the said writs, shall for every such fault be fined, at the discretion of the lower house of assembly next sitting after such election, not exceeding two hundred pounds sterling, one half to the right honourable the lord proprietor, his heirs and successors, for the support of government, and the other half to the informer, or him or them that shall sue for the same, to be recovered in any court of record within this province that may have jurisdiction of the same, by action of debt, bill, plaint or information, wherein no essoin, protection, or wager of law to be allowed.

And on voters  
for neglecting  
to appear, &c.

VI. AND BE IT FURTHER ENACTED, *by the authority aforesaid, by and with the advice and consent aforesaid*, That all freeholders, freemen, and other persons qualified to give votes in the election of delegates, shall and are hereby obliged to be and appear at the time and place appointed for elections, to be hereafter had or made of any delegates, burgesses and citizens, to serve in any assembly for this province, under the penalty of one hundred pounds of tobacco for every person so qualified as aforesaid neglecting to appear, one half thereof to the right honourable the lord proprietor, his heirs and successors, for and towards the county charge, and the other half to the informer that shall complain to any one or more justices or magistrates, of such absence; which justice or justices, or other magistrates, are hereby empowered to determine such complaint, and award execution for the said penalty, unless such person or persons shall, at the next county court after such election, shew sufficient cause for his or their absence, to be allowed and approved of by the justices of the several county courts in this province.

Proviso.

VII. PROVIDED NEVERTHELESS, That this act, or any thing therein contained, shall not extend to be construed to exclude any county or counties, city or cities, borough or boroughs, hereafter to be erected and made within this province, from the liberty of such elections of burgesses, delegates and representatives, as is before expressed; but that such writ as aforesaid, shall, upon calling every general assembly of this province for the future, be directed to the sheriff of every such county, city or borough, when the same shall be erected and made into a county, city or borough, as aforesaid, and to the mayor, recorder and aldermen, of every such city or borough, commanding such sheriff or mayor, recorder or aldermen, to cause four freemen of the said county, and two freemen of the said city or borough, qualified as in the aforesaid writ is expressed, to serve as delegates and representatives of the same county, city or borough, in the general assembly next ensuing; which said four delegates for every such county, and two for the city or borough, shall from thenceforth be reputed and deemed to be members of the lower house of the general assembly of this province, any thing in this act in anywise to the contrary notwithstanding.

Allowance to  
counsellors, &c.

VIII. AND, for the ascertaining, limiting and allowing unto the several and respective counsellors, deputies and delegates, that serve, or shall serve in the general assemblies of this province, and of the several and respective commissioners of the provincial and county courts of this province, such sum and sums of tobacco as is hereby thought necessary and sufficient for their defraying their charges, in attending such assemblies and courts, BE IT ENACTED, *by the authority aforesaid, by and with the advice and consent aforesaid*, That all such counsellors be allowed the sum of one hundred and fifty pounds of tobacco per day, and the delegates and burgesses of assembly shall be allowed the sum of one hundred and forty pounds of tobacco per day, during the time they shall attend such assemblies, and no more, (besides their itinerant charges,) to be paid and allowed them out of the public levy of this province; and the several and respective commissioners of the provincial court, for the defraying their charges and expences, during the time they shall sit in and attend such courts, the sum of one hundred and forty pounds of tobacco per day, and no more, besides their itinerant charges, to be paid them likewise out of the public levy of this province as aforesaid; and the several commissioners of the county courts shall be allowed, for the defraying their expences, during the time they shall sit and attend such court as aforesaid, the sum of eighty pounds of tobacco per day, and no more, which sum of eighty pounds of tobacco as aforesaid, the commissioners of the county courts are hereby empowered to assess and levy on the taxable persons of the several counties where such commissioners shall serve as aforesaid, for the defraying the expences aforesaid, and no more.

The manner of electing representatives to the general assembly being prescribed by the constitution, the provisions in this act are materially altered, if not destroyed. The act is inserted at large, from an opinion which has been expressed that some parts, particularly the fifth and sixth sections, are still in force.

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Passed 10th of  
August, 1716.

An ACT for the relief of Peter Sewell, a languishing prisoner in Calvert county. Lib. LL. No. 4.  
fol. 325. A Private Act.

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