

well regulated Malice is not Only an Hon. but a preservation of peace for keeping in law
a well Disciplined Neighbour whereas the neglect of this is even an Invitation to Others
to take Advantage of our not being in a posture of Defence - We take this Opportunity to
acquaint you that Many of the most Legible persons have refused to accept Commissions
those that have Desires to lay them Down because they are only called Com. but have no
Legall power to Induce Obedience - We Likewise Observe that the fine is what you
approve of and the Judges of it proposed are the same, the present Act Appoints where ever
the partie fined pleads to make them so, for if he Dislikes the Judgment of the Captain,
he may then Complain and have the same Judges which that Law already Appoints
if he Likes the Capt. Judgm. the alteration we propose can be no Grievance to him
to which if you Agree may be added that no such fines be levied for without the
approbation and Certification of the field Officers, Certainly Gentlemen should you
refuse to amend this Act in the Points proposed which alter not the substance but render
the Due Execution of it more practicable it must be necessarily understood as the effect
of your Dislike to the Act it self and by consequence a Dislike to any Malice for
the Defence of the Country - Signed by Order John Beale Clerk of House

The Edition of John Conaway a poor prisoner read and on hearing the Allegations
of Mr. Mackernay bringing a Bill, leave is given to bring in a bill as prayed
Henry Low Esq. from the Upper house Delivered Mr. Speaker the supplementary
Bill to the Act for stay of Execution after the tenth day of May yearly this Indorsed
By the Upper house of Assembly July the 26th 1721

Gentlemen On Reading and Considering the within bill we think it reasonable
that Executions out of the Commissarys Office should be liable to be superseded as
well as those out of the Chancery Court, but we likewise highly think it reasonable
that in all Judgments for Money Debts and Bills of Exchange the several Courts should
have it left to their Discretion to allow or Disallow such Supersedeas as they may
find it most Agreeable to the Equity of the Case which shall be resolved & Determined
at the time of the Judgments rendered and the Act of the respective Courts shall
note such Resolutions on the back of the Execution at the time of the passing thereof
which the Sher. of or Coroners respectively shall be obliged to take due Notice of
with which (which we esteem necessary) qualifications to said bill it will pass -
Signed by Order John Beale Clerk of House

Whereupon the bill was amended with adding the Com. Court and ordered to
be thus Indorsed viz. By the Lower house of Assembly July 26th 1721
May it please your hon. we have Included the Com. Court in the bill w^{ch} the
other Courts therein mentioned according to your hon. proposals but cannot
allowe of Giving the several Courts discretionary power proposed of allowing
or Disallowing the superseding of Judgm^{ts} for Money or bills of Exchange
therefore Desire the bill may pass as it is - Signed by Order Mr. Jenifer Clerk of House
and sent to the Upper house by Mr. Turbutt and Mr. Warfield - they return and
say they Delivered it - Bill for revising an Act for relieving the
Inhabitants of this province from Grievances in prosecutions of such at Law