

you that many of the most capable persons have refused to accept commissions and those that have desired to lay them down because they are only called (Courts), but have no legal power to induce obedience. Mr. Lewis observes that the fine is what you approve of and the Judges of it proposed are the same. The present act appoints wherever the parties fined please 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. Judgment: the alteration we propose can be no grievance to him to which if you agree may be added that no such fines be executed for without the approbation and Certificate 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 effects of your dislike to the act itself and by consequence a dislike to any militia for the defence of the Country.

Signed p Order John Beale Clerk Up House

The Petition of John Conaway a poor prisoner read and on hearing the Allegations of Mr. Macnemara ag^t. bringing a Bill, Leave is given to bring in a Bill as prayed. Henry Lowe 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 thus Endorsed vizt.

By the Upper House of Assembly July 26. 1721.
Gentlemen. On Reading and considering the within bill we think it is reasonable that Executions out of the Commissarys Office should be liable to be superseeded 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 severall Courts should have it left to their discretions to allow or disallow such superseedes as they may find it most agreeable to the Equity of the case which shall be resolved and determined at the time of the Judgments rendered and the Clerk of the respective Courts shall note such resolutions on the back of the Execution at the time of the Issuing thereof, which the Sherif: or Coroner respectively shall be obliged to take due notice of, with which (which we Esteem necessary) qualifications to said Bill it will pass.

Signed p Order John Beale Clerk Up House.

Whereupon the Bill was amended with adding the Comiss^r: Court and ordered to be thus Endorsed vizt.