

sonable Allowances have been made, agreeable to the Sense of the two Houses, which is all we contend for, in Order to prevent any Encroachment on each others Rights, which we (on our part) think our selves obliged inviolably to preserve.

The following Message being prepared, was order'd to be entered thus

By the Lower House of Assembly, October 23, 1728.

May it please Your Honours,

In Answer to your Message of this Day, by *Nicholas Lowe, Esq;* We are heartily glad, to find you in a Disposition, to put an End to the Disputes about Officers Fees, as well as to save the Country the Expence of a long Session: And we do assure your Honours, that we will do every thing in our Power, consistent with our Duty, and the Publick Welfare, towards both: As to my Lord Proprietary, it is but just and reasonable, to make his Lordship an Equivalent; but as the Act for settling his Lordship's Revenue, will not expire till next September, and that the Restriction of Planting cannot possibly affect his Lordship till then; we conceive That to be the most proper Time, to consider the Equivalent; for we shall be able then, to form a better Judgment of the Quantity that will be lessened by the Reduction, than we can now; and consequently, better able to proportion the Equivalent. We always intended that the Attorneys Fees, and all Tobacco Debts, and Payments, to be made to the Inhabitants, should be reduced in proportion to Officers Fees. *As* Your Honours are inclinable; that reasonable Fees should be allowed, where there have been any Omissions, in the Regulation of 1725. We hope you will think it equally just and reasonable, to correct any Errors that may appear in those that were then regulated, to the Prejudice of the People: Proceeding in this manner, is but fair and equal, and will prevent any Imputation, of the Legislature being less careful of the Interest of the People, than of what concerns the Officers, which acting otherwise, would give too much Room for.

As to the Power given to the Deputy-Commissaries, it is of publick Convenience and Advantage to the People, and saves a good deal of Expence to Widows and Orphans, of whose Interest we are all obliged, by the Laws of G O D, and Man, to be particularly careful and tender: And we are persuaded, that the Gentleman, who is the present Commissary, would as readily join in any Measures for the Ease of such poor helpless People, (tho' it should lessen his Income something) as any Member of our House would be to propose any Expedient for that Purpose. We hope, that as Things are brought to the Forwardness they are, your Honours will contribute your Endeavours to remove all Obstructions to the wish'd for End of all our Consultations, the Good and Welfare of the People.

Sent to the Upper House, by *James Harris, Esq;* and Mr. Key, who return and say they deliver'd the same.

The Bill entituled, *A Supplementary Act to the Act for Relieving the Inhabitants of this Province, from some Aggrievances in the Prosecution of Suits at Law*, being read, was order'd to be thus Indors'd, *viz.*

By the Lower House of Assembly, October 23, 1728.

Read the second Time, and will pass. The same was sent to the Upper House by Mr. Hamilton, and Capt. *Blackstone*, who return and say they delivered the same.

The Question being put, Whether the County-Courts, when it shall appear to them, that the Guardians of Orphans, and the Securities they have given for the Orphans Estates, are Necessitous and insufficient; and that the County-Courts cannot get any Person to take the Orphans Estates, shall have Power to sell the Orphans Estates, except the Plate and Slaves, or not?

Resolv'd in the Affirmative, and order'd that the same be provided for, by a Clause in the further Supplementary Act for the better Administration of Justice in Testamentary Affairs, granting Administrations, &c.

The House adjourns 'till To-Morrow Morning, 9 o'Clock.

Die Jovis, Octobris 24, 1728.

THE House met this Day according to Adjournment. The Members were call'd, and all present as Yesterday. The Proceedings of Yesterday were read.

The Question being put, Whether the Consideration of the Act for the better Administration of Justice in Testamentary Affairs, &c. be referred until the next Sessions, or not?

Resolv'd in the Negative.

The Ingross'd Bill entituled, *An Act to confirm Two Deeds of Sale, the one from George Oldfield, and Petronella his Wife, and the other from Richard Carr, Son and Heir at Law to a certain John Carr, of Cecil County, deceased; to Casparus Augustine Herman.* And the Ingross'd Bill entituled, *An Act to encourage the Destroying of Wolves, Crows, and Squirrels*, were sent to the Upper House by Mr. Knight and Mr. Robins, who return and say they deliver'd the same. *John Rousby, Esq;* from the Upper House delivers Mr. Speaker the following Message, *viz.*

By the Upper House of Assembly, October 24, 1728.

Gentlemen,

In Answer to your Message Yesterday, by *James Harris, Esq;* and Mr. Key, we take Leave to assure you, that as we have hitherto done, so are we ever determined, to avoid Disputes that are not absolutely necessary, as well as to exert our Endeavours (equally with your House) for the publick Welfare of the Country. We are apprehensive that your House might misapprehend our Intention in that Part of our Message, which relates to the Deduction to be made of Officers Fees; and therefore take Leave to acquaint you, that in proposing the present Regulation should be conformable to that in 1725, we did not intend any further Deduction should be made from those Fees, altho' a Tobacco Law that Regulation, are so small, that if the Price of Tobacco should advance upon making a Tobacco Law, those Fees would be but a bare Sufficiency for the Support of the several Officers. But because it may be objected, that perhaps Tobacco may rise beyond what is now expected, we are willing that a Liberty be given to the People, to pay those Fees in Money, at the Rate of Ten Shillings per Cent. by a certain Day; and This, we hope, if Tobacco should advance, will encourage the Importation of Money, and prove a double Advantage to the good People of this Province: And we are likewise very willing that any Omissions in the Regulation of Fees, Anno 1725, should be now supplied.