

The Question being put, Whether the Bill, entituled, *An Act for the better Administration of Justice in Testamentary Affairs, &c.* should be refered to next Session of Assembly, or not? Resolved in the Affirmative.

The Bill, entituled, *An Act for Improving the Staple of Tobacco*, brought from the Upper House by *Philip Lee, Esq;* was sent thereto by *John Beale, Esq;* and *Mr. Hempley*; who return and say they delivered the same.

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

*By the Lower House of Assembly, October 31, 1728.*

*May it please your Honours,*

In Answer to your Message of Yesterday, by *Benjamin Tasker, Esq;* we can by no means agree to the Alteration you propose, in the Oath of Judge or Justice; because we conceive that *as are* and *as now are* to be synonymous Terms; and that either would bring the whole Constitution into Question, upon almost every Dispute: Whereas, in our Opinion, the Words standing as they do, affirm the Constitution and Usage of the Province: And therefore hope your Honours will assent to the Bill as it is now.

Sent to the Upper House by *John Beale Esq;* and *Col. Belt*; who return and say they delivered the same.

The Bill, entituled, *An Act to supply some Defects in the Act, entituled, An Act for the Encouragement of Learning, &c.* being read, was order'd, to be thus Indors'd, viz.

*By the Lower House of Assembly, October 31, 1728.*

Read the second Time, by an especial Order, and will pass.

Sent to the Upper House by *James Hollyday, Esq;* and *Mr. Johnson*; who return and say they delivered the same.

The ingross'd Bill, entituled, *An Act for the Relief of Edward Parish, of Anne-Arundel County*, was read and assented to by this House; and sent to the Upper House by *Mr. Worthington*; who returns and says he delivered the same.

The House give Liberty to *Col. Young* to dispose of the Bills belonging to the County-Schools, which he now hath, at Thirty per Cent at least.

*Col. Belt*, from the Committee of Aggrievances and Courts of Justice, delivers Mr. Speaker the following Reports, viz.

*By the Committee of Aggrievances, October 31, 1728.*

It's humbly offered to this Committee, as an Aggrievance, that when Sheriffs Bonds are prosecuted, and Judgments thereon render'd for the Penalty, that it should be at the Election of the Persons at whose Prayer the said Bonds were sued, to sue out Executions on such Judgments, for the Penalty, before they make appear their Claim to be due: For, as your Committee hath been inform'd, the Practice formerly was, for the Attorney General to assign out of the Judgments render'd on Sheriffs Bonds, for what appeared to the Court to be due to the Persons at whose Requests the said Bonds were sued. All which is humbly submitted by your Committee, to the Consideration of the House.

*By the Committee of Aggrievances and Courts of Justice, October 31, 1728.*

Your Committee have examin'd several Commissions granted and issued for several Courts within this Province; among which, your Committee find, That the Provincial Commission last granted, is not agreeable to the Oath of Judge or Justice; for in that Commission it is mention'd thus, All and singular the Reasonable Good Laws, Statutes, and Ordinances of that Part of the Kingdom of Great-Britain, call'd England, &c. And, in the Oath it is thus mentioned; According to the Laws, Statutes, and Reasonable Customs of England, &c. All which is submitted by your Committee to the Consideration of the House.

The Question being put, Whether the Tobacco Allowances due to the several Members of the Upper and Lower Houses of Assembly, and other Officers, since Saturday last, and to be now rated in Money, should be at Eight and Four Pence, or Ten Shillings Currency, per Cent.

Resolv'd, That the same be received at Ten Shillings Currency, per Cent.

The Petition of *James Govane* being read, was order'd to be thus Indors'd, viz.

*By the Lower House of Assembly, October 31, 1728.*

On reading this Petition, the House allows the Petitioner Twelve Pounds current Money, for the Losses he hath sustained; and the other Part of the Petition is rejected.

*Col. Ward*, from the Upper House, delivers to Mr. Speaker the Paper Bill, entituled, *An Act for the Relief of Edward Parish of Anne-Arundel County*; Indors'd as follows, viz.

*By the Upper House of Assembly, October 31, 1728.*

The ingross'd Bill, whereof this is the Original, is read and assented to by this House; and the following Message, viz.

*By the Upper House of Assembly, October 3, 1728.*

*Gentlemen,*

The Bill for Bettering the Staple of Tobacco, being near finish'd by both Houses of Assembly; and there being two Clauses in the Act pass'd last Session of Assembly, entituled, *An Act concerning Tobacco*: Which, by Experience, have been found greatly Burthenfome and Detrimental to the Commerce of this Province; viz. The Clause allowing Eight per Cent; and that relating to Rowling Tobacco: Wherefore we recommend to your House, the Necessity of bringing in a Bill to repeal the Clauses aforesaid.

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

*By the Lower House of Assembly, October 31, 1728.*

*May it please your Honours,*

This House is inclinable to pay the Charges of this Assembly, for what more is due to the Members of both Houses and the Officers, &c. than is allowed in the Journal of Accounts in Current Money, at Ten Shillings per Hundred; And desire to know if your Honours will consent to the same.

Sent to the Upper House by *Mr. George*, and *Mr. Robins*; who return and say they delivered the same. The House adjourns till To-morrow Morning 9 o'Clock.