

Money they have received for Fees, we think it impracticable and unreasonable; because it will be difficult for the Officers to remember from whom, and what Sums they have receiv'd. Besides, it doth not appear that they have received more Money for their Fees, than the real Value of them: And if they have, in any particular Instance, extorted more than they ought, the Parties grieved may have their Remedy another Way; and therefore we cannot consent thereto: But propose, that a Clause be incerted in the Bill, instead of that above-mention'd, only making void all Obligations taken for Fees since his Lordship's Dissent to the Law made Anno 1725, as aforesaid; and regulating all such Fees according to the Act made Anno 1719; to be levied by Execution in the same Manner as the other Fees regulated in the present Bill; And in Regard we observe some Fees are omitted for Services to be done; for Knowledge of which, we refer you to the List herewith sent; and we desire the same may be supplied; and that no Alteration of Expressions may alter the Nature and Substance of the Fees. And we further observe, that you wholly omit the Examiner-General's Fees, which we desire may be incerted in the Bill as formerly. If your House concurs with the Amendments herein proposed, we desire the Bill may be altered accordingly, with this further Alteration, viz. That the Time of Payment, in Money, be the Tenth of April, agreeable to the Tobacco Law.

Col. Ward, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, *An Act to appropriate Part of the Land laid out in the City of Annapolis, for the building a Custom-house on, to and for the building a Market-house*, thus Indors'd, viz.

By the Upper House of Assembly, October 31, 1728.  
Read the first Time, and ordered to lie on the Table; And thus,  
By the Upper House of Assembly, November 1, 1728.

Read the second Time, and will pass.  
The Paper Bill, entituled, *An Act for the better Regulating the Parishes in St. Mary's and Charles Counties*, thus Indors'd viz.

By the Upper House of Assembly, November 1, 1728.  
The ingross'd Bill, whereof this is the Original, is read and assented to by this House.  
The Paper Bill, entituled, *An Act for the Relief of sundry poor Prisoners, &c.* thus Indors'd, viz.

By the Upper House of Assembly, November 1, 1728.  
The ingross'd Bill, whereof this is the Original, is read and assented to by this House: And the Paper Bill, entituled, *An Act to prevent the Abuses of Concealing Convicted Felons, and other Offenders, imported into this Province; and for the better Discovery of them*, thus Indors'd, viz.

By the Upper House of Assembly, November 1, 1728.  
The ingross'd Bill, whereof this is the Original, is read and assented to by this House.

The Bill, to appropriate Part of the Land laid out in the City of Annapolis, for the building a Custom-house on, to and for the building a Market-house, was read, and pass'd for Ingrossing.  
Benjamin Tasker, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz:

By the Upper House of Assembly, November 1, 1728.

Gentlemen,

In Answer to your Message of Yesterday, by John Beale, Esq; and Col. Belt, in Relation to the Amendments proposed by our House, in the Form of the Oath of Judge or Justice; we do confess the Words *as are*, and *as now are*, to be equivalent Terms, implying something then subsisting; but, when applied to the Form of the Oath, could not (we conceive) in any Construction of good Sense, have Relation to the Laws of England, either now in Force, or hereafter to be in Force; otherwise than as those Laws are agreeable to the Usage and Constitution of this Province. This gave Occasion to the Amendment, as it was thought necessary, for putting the same Sense and real Design of the Oath in a clear Light. In this Opinion, we are confirm'd as well from the Reason of the Thing, as by the Authority of a Message of your House, transmitted to us the Third of November 1724, wherein you your selves lay it down as a Rule, "That the Judges being sworn to judge according to the Laws of England, and Usage of this Province, will be thereby obliged to judge no otherwise, according to the Laws of England, than is agreeable to the Usage and Constitution of this Province." Nor doth the Words *as are*, in the Opinion of this House, when added to agreeable to the Usage and Constitution of this Province, import any Thing more than what is expressly asserted in the above Rule.

For, as we take it, the *than is agreeable to*, &c. in the Message of your House, and our *as are agreeable to*, &c. in the Amendment proposed, are in the like Manner equivalent and convertible Terms, importing the same Thing in the strictest Construction that can be put upon the Words; for which Reason we were the more surprized to find a Declaration from your House, that what we had added in the Amendment (by Way of Explanation only) was taken by you to be Inconsistent with the Design and Tenor of the Oath of a Judge or Justice: Whereupon we then desired you, for avoiding Misunderstandings between the two Houses, to inform us (who had no Design of altering the Oath) wherein the Amendment was Inconsistent with the Design of the Oath. To this we hope either to have a full and satisfactory Answer; or that your House will agree to the Amendment proposed.

Philip Lee, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.  
By the Upper House of Assembly, November 1, 1728.

Gentlemen,

We observe in the Law for Regulating Writs of Error and Appeals; the Words are, *To the first of the Council in Commission, in the Absence of the Governour*. Whereas, we think it necessary, in case of such Absence, the first of the Council, then present, should have Liberty to preside, and proceed to Tryal of the several Causes: And that the same Liberty be also given in Appeals from the Chancery: And therefore propose, a short Bill be prepared for that Purpose; as well as to limit the Time of Appeals therefrom.

The following Message being prepared, was ordered to be Entred thus:  
By the Lower House of Assembly, November 1, 1728.

May it please your Honours,

Your Message, sent with the Bill for Limitation of Officers Fees, by John Hall, Esq; contains several Things of great Consequence, which we reserve to our selves the Liberty of Answering in a full and distinct Manner: And to put an End to the Debates about Officers Fees, we agree to the Regulation by the Act of 1725, That all that have had any Fees become due to them since his Lordship's Dissent, which they have not receiv'd, be paid according to that Regulation, and have the Benefit of an Execution: That all Obligations taken for Fees be delivered up; that those who have received Money or Tobacco, keep it; that the Fees omitted in 1725, be now allowed. And we cannot agree to insert the Examiner-General in the Bill upon these Terms; only we will agree to the Bill.

Sent