

Sent to the Upper House by Col. Gale, and Mr. Key; who return and say the same.

The House adjourns 'till To-morrow Morning 8 o'Clock.

(*Die Sabbati, Novembris 2, 1728.*)

TH E House met according to Adjournment. The Members were called over, and all present as Yesterday. — Yesterday's Proceedings were Read.

The following Message being prepared, was Order'd to be enter'd thus, viz.

By the Lower House of Assembly, Nov. 2, 1728.

May it please your Honours,

In Answer &c. we were in Hopes, that the Reason which we mentioned in our Message, of the 31st. of October, by Mr. Beale, and Col. Belt, why we could not depart from the Words in the Judges Oath, by the Addition of the Words (*as are*) was Expressed in such plain Words, viz. That our Constitution would be brought into Question, upon almost every Dispute, might have been Satisfactory to Convince your Honours, that we cannot make the Addition you propose; and we are further confirmed in our Resolution, by the very Message which you mention to have been sent on the 3^d of November, 1724: For it is worthy of Observation, that the Word (*is*) in that Message, is in the Singular Number, and restrained to our Usage, and not to the Laws of England; and which, if so designed, would have been in the Plural Number; therefore we cannot doubt of your Concurrence to pass that Bill, as it now stands.

The Ingross'd Bill, entituled, *An Act to supply some Defects in the Act, entituled, an Act for the Encouragement of Learning, and erecting Schools in the several Counties within this Province. And also to explain an Act, entituled, An Act for laying an Additional Duty of Twenty Shillings Current Money per Poll, on all Irish Servants, being Papists, to prevent the Growth of Popery, by the Importation of too great a Number of them into this Province: And also the Additional Duty of Twenty Shillings Current Money per Poll, on all Negroes; for raising a Fund for the use of Publick Schools within the several Counties of this Province,* was read and assented to by this House; and sent to the Upper House by Mr. Crabb, and Mr. Hemsley, who return and say they deliver'd the same.

The Bill, entituled, *An Act for the Repairing and Inlarging of the Church in the City of Annapolis; and for the Building a Chapel of Ease, in the Parish of St. Anne, in Anne-Arundel County: And to empower the Raising and Levying a Quantity of Tobacco, for that Purpose,* being read, was Order'd to be thus Indors'd, viz.

By the Lower House of Assembly, Nov. 2, 1728.

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

Sent to the Upper House by Mr. Beale, and Mr. Worthington; who return and say they deliver'd the same.

The Ingross'd 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,* was read and assented to by this House; and sent to the Upper House by Mr. Gordon, and Mr. Thomson, who return and say they deliver'd the same.

Charles Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, *An Act for the Repairing and Inlarging of the Church in the City of Annapolis; and for the Building a Chapel of Ease, in the Parish of St. Anne's in Anne-Arundel County: And to empower the Raising and Levying a Quantity of Tobacco for that Purpose,* thus Indors'd, viz.

By the Upper House of Assembly, Nov. 2, 1728.

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

And the Paper Bill, entituled, *An Act to supply some Defects in the Act, entituled, An Act for the Encouragement of Learning, and erecting Schools in the several Counties within this Province. And also to explain An Act, entituled An Act, for laying an Additional Duty of Twenty Shillings Current Money per Poll, on all Irish Servants, being Papists, to prevent the Growth of Popery, by the Importation of too great a Number of them into this Province: And also the Additional Duty of Twenty Shillings Current Money per Poll on all Negroes, for Raising a Fund for the Use of Publick Schools within the several Counties of this Province,* thus Indors'd, viz.

By the Upper House of Assembly, Nov. 2, 1728.

The Ingross'd Bill whereof this is the Original, is read and assented to by this House.

And the Bill, entituled, *An Act repealing Part of Act, entituled, an Act concerning Tobacco, made at a Session of Assembly, begun and held at the City of Annapolis, on Tuesday the Tenth Day of October, Seventeen Hundred and Twenty Seven,* thus Indors'd, viz.

Read the first Time, and Order'd to lie on the Table. And thus,

By the Upper House of Assembly, Nov. 2, 1728.

Read the second Time, and will pass with the following Amendment, viz. That the Allowance for the Hoghead, be Eight Pence, or Six Pounds of Tobacco, at the Election of the Buyer; which Bill being read here, with the Amendment proposed, was pass'd for Ingrossing.

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,* was read, and pass'd for Ingrossing.

Nicholas Lowe, Esq; from the Upper House, delivers to Mr. Speaker the following Message, viz.

By the Upper House of Assembly, Nov. 2, 1728.

Gentlemen,

We concur with you in all the Parts of your Message of the first Instant, relating to the Bill for Officers Fees, by Col. Gale, and Mr. Key; save only in that Part which relates to the Examiner-General; and as to that, take Leave to observe to you, that his Lordship, by Virtue of his Prerogative, has the sole Power of Appointing such Officers; so that it is not in the Power of either, or both Houses of Assembly to suppress them; and therefore we think it better to regulate their Fees by a Law, than leave them