

People (which is the true End of instituting Offices, and Officers) consists in a great Measure in Officers who are concern'd in the Administration of Justice, being Independent. We conceive ourselves to be justifi'd in this our Opinion, by the Statute of the First W. and M. Ch. whereby the Clerk of the Peace, who is nam'd by *Custos Rotulorum*, has a Freehold in his Office, altho' the *Custos* himself, has but an Estate at Will; as well as by the Arguments of the Reverend and Learned Judges, in a Case concerning the Office of Clerk of the Peace, And that Officers who have Fees and Avails out of their Offices, ought not, by the Common Law, to be removed, unless they misbehave themselves.

The Second Amendment propos'd, *Nor shall any Judge give any other Allowance, &c.* we conceive ought not to be left out of the present Bill; because the Allowances in the former Acts, to which the present Bill in this Particular is exactly agreeable, have been found to be just and reasonable.

The Third Amendment propos'd, *That the Justices of the several County Courts, left out, and the Governour and Council, inserted,* this House cannot agree to; because several Members thereof, have known by Experience, that the Provision in the former Act, *empowering the Governour, and Council, to secure the Orphans of Protestants, from being educated in the Romish Religion,* has fail'd of having the desired Effect; many People, who would have apply'd to the County Courts, upon such Occasions, for Fear of the Expence and Fatigue of coming to *Annapolis*, made no Application for the Removal of Orphans, whose Fathers were *Protestants*; and who, for Want of such Application, have been brought up in the *Papish* Religion.

The Fourth Amendment propos'd, *viz. Instead of Protestant Religion, the Religion of the Church of England, to be insert'd,* this House cannot agree to; because that any Provision to be made in an Act of Assembly, to educate the Children of *Protestant* Dissenters, in the Communion of the Church of *England*, would be (as we conceive) an Infringement of the legal Toleration granted to Dissenters, which Toleration ought not to be violated on any Pretence whatsoever. And as the Bill provides, that the Children of all *Protestants*, should be secured from being educated in the *Romish* Religion, so it is therein provided, that Children whose Fathers were of the Communion of the Church of *England*, should be instructed in the Doctrine and Principles of that Church, which we conceive to be sufficient.

The Fifth Amendment propos'd by your Honours, *viz. to apply the Fine to the Support of the Government, and not to defray the County Charge,* this House cannot agree to; because the Government is handsomely and liberally supported at the Expence of the Country, upon all extraordinary as well as ordinary Occasions. That the Taxes, which the People we represent, pay, are greater than any other of our Fellow Subjects upon the Continent (who live in Peace) are burthen'd with; and that it is not improbable, that if the Fines were to be appropriated to the Support of Government, they would be generally remitted to the offending Officer, which cannot be done, when they are to be apply'd as in the Bill; and therefore, such Application will best answer the Design of the Legislature, in imposing the Fine: Which Reasons ('tis conceiv'd) will reach all the Amendments your Honours have propos'd, concerning the Application of the Fines to the Support of Government.

The Seventh Amendment your Honours propose, this House cannot agree to; because we conceive the Bill is much better as it is, than it would be with the Alteration your Honours desire; and that the allowing Eight per Cent. to Executors and Administrators upon the whole Account of all deceased Persons Estates, would be injurious to their Creditors and Representatives, and in it self manifestly unjust.

The Eighth Amendment you propose, we cannot agree to; because an Estate of the Value of Twenty Pounds current Money, (which may happen to be all that a Widow and several small helpless Children may have to support them) is too inconsiderable to allow of any Deduction for Commissary General's Fees.

The Ninth Amendment this House agrees to, and hath amend'd the Bill accordingly.

The Eleventh Amendment propos'd by your Honours, *viz. to restrain the Deputy Commissary from passing any Account, exceeding Fifty Pounds current Money,* we cannot agree to; because a great many infirm as well as poor People, who live in the remote Part of the Province, cannot possibly come to *Annapolis* to pass their Accounts, which is known to have been very often the Case. 'Tis true, Commissions have always issued in such Cases to the Deputy Commissaries, or some other Persons, (not more skilful) to pass the Accounts of such Executors and Administrators; which Commissions, altho' they increased the Commissaries Fees, yet never could (as we conceive) improve the Understanding of the Deputy Commissary, or make him more expert in Business, or more capable to pass an Account, than he would be, if he was impower'd by Act of Assembly to pass it: That the propos'd Restraint cannot possibly be of any Advantage to any one Person in the Province, except the Commissary General, whose Interest (we conceive) ought not to stand in Competition with that of a whole Country. Besides, the Restraint will appear to be altogether unnecessary, when it is consider'd, that the Commissary General, in passing an Account, does not conclude Representatives or Creditors, any more than it would, if it were pass'd by a Deputy Commissary. And the Deputy Commissary may probably (by Reason of his Nearness to, and Acquaintance with the People he has to do with) discover some Frauds and Abuses in Executors, Administrators, or pretended Creditors, which may be easily conceal'd from the Commissary General, who is for the most part a Stranger to the People.

As to the Thirteenth Amendment, this House agrees to the Transposition of the Word *only*, as propos'd by your Honours. And also to the Fourteenth Amendment; and amend'd the Bill accordingly.

The Fifteenth Amendment propos'd by your Honours, *viz. to leave out for the Support of Government, or to which any Orphan or Minor shall be Entitled,* this House cannot agree to; because we conceive, an Alteration from the former Act of Assembly (which excepted Debts due to his Majesty in general Terms) is absolutely necessary for all Obligations pass'd to his Majesty, altho' in Trust only, for the Subject or to his Lordship, may, in Strictness, be term'd Debts due to his Majesty, or the Lord Proprietary; and yet, that such Debts ought not, in Reason or Justice, (as we conceive) to have any Preference in Payment, to Debts on Obligations payable to the Creditor himself, and that Officers Bonds lying out, as they must always do, ought not to be made use of to furnish a dishonest