

Col. Rider, from the Upper House, delivers to Mr. Speaker, a Bill, Intituled, *An Act reviving and continuing an Act, Intituled, An Act to restrain the ill Practices of Attorneys, and to prevent their taking Money Fees, and ascertaining what Fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit Courts, made at a Session of Assembly, begun and held at the City of Annapolis, the Fifteenth Day of March, Anno Domini One Thousand Seven Hundred and Twenty Five.*

Indors'd thus:

By the Upper House of Assembly, August 2, 1729.

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

Sign'd per Order, John Ross, Cl. Up. Ho.

The aforesaid Bill being read the first Time, the Question was put, Whether the said Bill should have a second reading this Day, or not? Resolv'd in the Negative.

Mr. Crabb, Mr. Sprigg, and Mr. McGruder, have Leave to go home until Monday.

John Hall, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.

Gentlemen,

By the Upper House of Assembly, August 2, 1729.

In Answer to your Message of the 23^d of July last, and the first Instant, We are of Opinion, that there is not at this Time any Necessity to employ an Agent to negotiate the Affairs of this Province: And therefore, as the Appointment of an Agent will bring a certain Charge upon the Province, We are not inclinable to concur with your House therein, until we are made sensible, that the Publick Occasions require it.

Sign'd per Order, John Ross, Cl. Up. Ho.

The Bill, Intituled, *A Supplementary Act to the Act, Intituled, An Act for Improving the Staple of Tobacco, &c.* was read the first and second Time, by an especial Order, and passed; and sent to the Upper House with the following Message, viz.

May it please your Honours,

By the Lower House of Assembly, August 2, 1729.

In Answer to your Message by Col. Tilghman, and Philip Lee, Esq; of the 30th of July, concerning your Rejecting the Bill for Improving the Staple of Tobacco, and easing the Inhabitants of this Province in the Manner of paying their Tobacco-Debts, We agree with your Honours, That many People are liable by the Act pass'd last Session, to discount a Fourth of their Tobacco Debts, if paid in Specie: That that Provision was made, upon a Supposition the Quantity of Tobacco would be greatly lessen'd by putting that Act in Execution: But it has fail'd of the desired Effect, in most Parts of this Province; which induced us to pass the Bill rejected by your Honours, as more likely than the former Act, to lessen the Quantity of Tobacco, and to retrieve our Country from the unhappy Circumstances it at present groans under. And supposing the Execution of the former Act had really lessen'd the Quantity of Tobacco, as much as was hop'd it would have done, That Reduction would not indicate our being dishonourable, unjust, or ingrateful to his Lordship, since nothing was taken from him that his Lordship was entitled to by any former Law; nor any Thing more done, but passing a Bill to pay his Lordship a Duty on Tobacco, instead of his Rents and Alienations, for one Year; which, if pass'd into a Law, is a voluntary Contract, the Terms whereof are understood on both Sides, and the contracting Parties have it in their Power to agree or disagree to it. — Thus the Case stands, and how it, or any other Case so circumstanc'd, will warrant a Charge of Injustice or Ingratitude against any of the contracting Parties, we recommend to your Honours seriously to consider.

Since the Provision made by the former Act, would not answer the End of making it, we thought it absolutely necessary (in Regard making too great Quantities of Tobacco, is universally allowed to be one and a very great Cause of the Calamities the People of Maryland lie under) to supply (at least) in Part the Defects therein: And we think it very probable, that the Reduction proposed to 6000 Plants, and the other Restrictions contained in the Bill for that Purpose, would be of Service to the Country, by greatly lessening the Quantity of Tobacco. And if Tobacco-Debts were not subject to a Defalcation, in Proportion to the Reduction in the Crops, your Honours cannot but know that several, even a very great Number of the Inhabitants would have very little Tobacco left wherewith to procure themselves Necessaries; and consequently that the Amendment of the Trade, would rather encrease than lessen their Miseries. As to obliging some People to take Money for Part of their Tobacco Debts, it is but the same Provision that was made last Session, which your Honours then agreed to; and the Reason (we conceive) still subsists. How it is possible to avoid some Inequality in the propos'd Deduction we know not; the making of Laws that may be beneficial to our Country in General (tho' disadvantageous to some particular Persons) being the highest Perfection we can hope to arrive at.

We are extremely surpriz'd, and indeed alarm'd, at the Reasons your Honours alledge, as more particularly inducing you to reject the new Tobacco-Bill, viz. *That it is a Bill of the same Nature, (Some few Circumstances excepted,) with the former, against the SANCTION to which in GREAT-BRITAIN, publick Oppositions, 'tis well known, are made:* That any Opposition is made against the SANCTION to it, we never knew or heard of; nor can we conceive the End or Purpose of such Opposition: For we beg Leave to acquaint your Honours, that an ample and full Power of Legislation is lodged in this Province; and that a Law enacted in the usual and customary Form here, by the Legislative Authority, has all the Force and Effect of a Law, without any further or other SANCTION whatsoever. It is true, the Lord Proprietary has dissented to several of our Laws; but whether his Lordship has any Authority so to do, or not, we hope will soon be examin'd and determin'd in a proper Place. But to put his Lordship's Right of Assenting or Dissenting to Laws pass'd here, upon an Equality with the undoubted Right of his Sacred Majesty, (which your Honours do in your Message, if we understand it right) is (we humbly conceive) so inconsistent with the Duty of Subjects to the best of Princes, that we want Words to express our Detestation of it.

What Fate the late Tobacco-Law may have, we know not; but we are certain, the attempting to make a new Law, of the same Nature with it, with such Amendments as may render it more effectual, is neither new, nor liable to any criminal Imputation whatsoever; much less of an *evasive Infringement of the Prerogative*, or of tending to preclude the Province of a dernier Resort; which (if meant to our Gracious King) we account our greatest Felicity and Security. His sacred Majesty's Royal Prerogative is as dear to us, as our Lives; and we are far from wishing the least Diminution of any Right or Prerogative, which the Lord Proprietary is justly intituled unto, by Virtue of the Royal Charter: But we beg Leave to distinguish it from his Majesty's.