

Notes and Resolves,

O F T H E

Lower House of Assembly of the Province of M A R Y L A N D.

(Thursday, August 7, 1729.)

THE House met according to Adjournment. The Members were call'd over, and all present as were Yesterday. The Proceedings of Yesterday were read over.

Mr. Crabb hath Leave from the House, to go Home.

Col. Gale, and Mr. Key, are order'd to prepare a Supplementary Bill to the Act concerning convicted Felons.

The following Message, viz.

By the Lower House of Assembly, August 7, 1729.

May it please your Honours,

This House hath observ'd, that in your Message of the 6th of August, by Benjamin Tasker, Esq; your Honours express a Surprize at our alledging, that we had not heard any Attempts were made to procure his Lordship's Dissent to the late Tobacco-Law, when the Fact is so notorious. It would have been Matter of Surprize indeed, if we had alledged any such Thing: But we are certain, that if your Honours will please to peruse our Message again, you will find no such Allegation in it.

This House agrees to all the Amendments proposed by your Honours, to the Supplementary Bill, &c. except that of leaving out *and other Officers*; which we conceive, ought not to be: For even the last Regulation of Fees, in the Year 1725, (in your Honours Judgment then, and in the Opinion of this House still) contains ample and full Rewards to the several Officers, for the Services to be done by them; and we cannot think, that any Reason can be assign'd, why their Fees, as well as other Tobacco-Debts, should not be subject to a Deduction, when the People, who make the Tobacco to pay them, are under a legal Restraint, which will disable almost all the poorer Sort, who shall have the Misfortune to be concern'd in Law Suits; (which your Honours know frequently happens) from paying all the Officers Fees, and supporting their Families. Besides, as the Bill is calculated for the General Advantage of the Country, and that the Officers will certainly participate of that Advantage, we conceive it to be but agreeable to Natural Justice, that they should bear a proportionable Share of the Burthen. If it should be alledg'd, that it is but contingent, whether any Advantage will accrue to the Country, from the Law it self; and that the Officer, by making a Deduction of his Fees, will sustain a certain Loss upon so uncertain a Prospect, as is the Effect, the propos'd Reduction may have on the Trade; and that if the People should be disappointed in their Hopes, the Officer will have no Reparation for his Loss: We beg Leave to answer, that the Planter (if the Bill passes into a Law) will certainly be hinder'd of making so much Tobacco as he could make, was he at Liberty, with a View to raise the Value of what shall be made; that the Officer has an equal Chance in the Event, with the Planter, and therefore his Loss ought to be as certain: And should the People have the Misfortune of being disappointed, and that Tobacco should continue to be sold at the very low Rates it now bears, (which are such, your Honours know very well, that People can hardly maintain themselves, with the greatest Industry they can use) we intreat your Honours to consider the wretched Condition they will be reduced to, who shall be obliged to pay a large Share of what they make to the Officers, and for other Dues; and how it will be possible for them to save their Families from Starving, with what small Remains of their Crops will produce.

Should the Officers be exempt from a Deduction of their Fees, proportionable to what other People are Subject to, it would (we conceive) be a manifest Partiality in their Favour; which we hope the Legislature of Maryland, will avoid the Imputation of.

We request your Honours to consider the Reasons herein, and such others, as Your own Judgments may suggest to you; and that you will not insist on an Alteration liable to so many Exceptions, and so unjust and unequal in it self; but pass the Bill without it.

Sign'd per Order, M. Macnemara, Cl. Lo. H.,

Was sent to the Upper House, with the Bill, Intituled, *A Supplementary Act to the Act, Intituled, An Act for Improving the Staple of Tobacco*, by James Hillyary, Esq; and Mr. Johnson; who return, and say they delivered the same.

Col. Gale, delivers to Mr. Speaker, a Bill, Intituled, *A Supplementary Act to the Act, Intituled, An Act to prevent the Abuses of concealing convicted Felons, and other Offenders imported into this Province, and for the better Discovery of them*. Which Bill was read the first and second Time, by an especial Order, and pass'd; and sent to the Upper House, by Col. Gale, and Mr. Key; who return, and say they delivered the same.