

in Controversies; which would cost them more than the Value of the Lotts; and would likewise increase the County Charge, without any Necessity, that we conceive; and therefore, we desire your Honours will pass the Bill as it is, only putting Mr. *Stoddert* and Mr. *Pottinger*, Commissioners, in the Room of Mr. *Gant* and Mr. *Sprigg*, and altering the Name to *Maryborough*.

Sign'd per Order, M. Macnemara, Cl. Lo. Ho.
Was sent to the Upper House, by Mr. *Smith*, and Mr. *Courts*; who return, and acquaint Mr. Speaker, they delivered the same.

The Bill, entituled, *an Act for easing sundry Inhabitants of this Province, who are Owners of Vessels, &c.* was read the Second Time, and passed; and sent to the Upper House, by Mr. *Beale*, and Mr. *Samuel Hanson*; who return, and acquaint Mr. Speaker, they delivered the same.

The Question was put, that a Message be sent to the Upper House, concerning an Affize Law? Resolved, in the Affirmative.

Benjamin Tasker, Esq; from the Upper House, delivered to Mr. Speaker the Bill, entituled, *an Act for Laying out the Town anew, called Marlborough Town, &c.* And the following Message,
By the Upper House of Assembly, 3 September, 1731.

Gentlemen,

In Answer to your Message of this Day, by Mr. *Smith* and Mr. *Courts*, this House is willing, that the Commissioners named by your House in the Bill, for laying out the Town of *Marlborough* anew, shall stand; and the Two Commissioners named by this House, added; and that the Clause for a Review, do continue in the Bill, as proposed by this House; and in Case the Appellant fail in making good his Appeal, to pay such Cost as shall be adjudged by the Commissioners of Review; and if the Appellant doth make good his Appeal, the Cost adjudged by the said Commissioners, to be discharged by the County; and that the Penny *per* Lott, proposed as an Amendment in our last Message sent down with the Bill, be Sterling: With these Amendments the Bill will pass.

Sign'd per Order, J. Rofs, Cl. Up. Ho.

The following Message, viz.

By the Lower House of Assembly, September 3, 1731.

May it please your Honours,

We have considered the Amendments proposed by your Honours, to the Affize Law, and cannot consent to the First, but offer, that instead thereof, the following be added:

Provided nevertheless, and be it further Enacted, That nothing in this Act, or the Acts hereby intended to be Revived, shall hinder or debar the Justices of the Provincial Court of this Province, from Hearing, Determining, and Punishing, at the Bar of the said Court, any Crime or Offence, not triable in the County Courts of this Province, and which shall not be heard, tried, and determined, by or before the Justices of Affize, *Nisi Prius*, and Goal Delivery, so always as Five of the Jurors, who shall be returned in any such Trial, shall come from the County where any such Crime or Offence which shall be so tried at Bar, shall be supposed to be committed.

And be it further Enacted, That the Justices of the Provincial Court, in all such Cases, shall and may award and issue *ven' fa' jur'* and Summons for any Witness or Witnesses; and that any Person who shall be warned or summoned to appear as a Juror or Witness, and shall neglect or refuse to appear at the Time mentioned in such *ven' fa' jur'* or Summons, without a sufficient Reason for such Non-appearance, to be admitted by the said Justices, shall and may be fined according to the Directions of the Act, *causing Grand and Petit Jurors and Witnesses to come to the Provincial Court, and ascertaining their Allowance*, which Fines shall be applied as that Act directs.

And that the Justices of the Provincial Court, be enabled to continue the Causes therein now depending, if they shall find it needful, until the Third *Tuesday* in *October*, 1732: Which we desire your Honours will concur with, that the Bill herewith sent, may be ingross'd.

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

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