

pass, the Words, *from and after the 10th Day of December next*, in the 5th and 6th Lines of the 1st Page being left out, and the following Words inserted; *within one Month after the Rt. Hon. the Lord Proprietary shall have signified his Assent to, or Approbation of this Act.*

Signed per Order, *J. Ross, Cl. Up. Ho.*

And the following Message, *viz.*

By the Upper House of Assembly, *July 9, 1747.*

Gentlemen,

WE are very sensible of the Necessity of dividing *Prince George's County*, and that *Frederick Town* is the most convenient and agreeable Place to the back Inhabitants to fix the Court House in: We are also sensible, that if his Lordship should dissent to the Act, after some Progress made towards carrying it into Execution, it would be very prejudicial, and should any Actions be commenced, they would be discontinued, which would be very hurtful to the People and create much Confusion; and if any particular Time was to be fixed, tho' a long one, the People could not be at any certainty even at the Expiration of such Time, as Ships are liable to be taken in War-Time, either coming from or going to *England*: And since it may possibly happen, that his Lordship may signify his Approbation of the Act soon, which would put the Execution of the Act beyond all Doubt and Uncertainty; therefore we hope you will agree to the Amendment proposed.

Signed per Order, *J. Ross, Cl. Up. Ho.*

This House taking into Consideration the Alteration proposed, doth not agree therewith; thereupon the Question was put, Whether it shall be proposed by a Message to the Upper House, that the Commencement of the Bill, entituled *An Act to divide Prince George's County, &c.* may be made to take Place on the 10th Day of *December, 1748*, or on the 10th Day of *December, 1749*: Resolved, That it be proposed that the Bill have a Commencement from the 10th Day of *December, 1748*.

Mess.	Bond, R. Gresham, Henry Hall, Carroll,	Worthington, Smith, Smallwood, Harrison,	For the Commencement of the Bill, 1748,			Stoddert, Tilghman, J. Henry, Hopper.
			Wilkinson, Thomas, Lloyd, Ennalis,	Hyland, Paca, John Hall, Wootton,		
Mess.	Key, Barnes, Mills, J. Gresham,	Harris, King, Dalziel,	For the Commencement of the Bill in 1749,			Gordon, Dulany, Scarborough.
			Handy, R. J. Henry, Hooper,	George, Bayard, Addison,		

Edmund Jennings, Esq; from the Upper House, delivers to Mr. Speaker the Bill, entituled *An Act for Tryal of all Matters of Fact in the several Counties, &c.* Indors'd, "By the Upper House of Assembly, *July 9, 1747*. Read, and with the Amendments proposed in a Message herewith sent, will pass.

"Signed per Order, *J. Ross, Cl. Up. Ho.*"

With the following Proposals, *viz.*

AMENDMENTS TO THE ASSIZE BILL.

By the Upper House of Assembly, *July 9, 1747.*

THE Words *and not elsewhere*, in 16th Line of the first Page, to be omitted; for that such Words, if continued in the Bill, would exclude the Provincial Court from taking Cognizance by a Tryal at Bar, of such Crimes and Offences as are there mentioned, and which may, from the Nature and Importance of them sometimes require the most solemn Determination; and therefore the King's Bench, notwithstanding the said Assizes in *England*, may, and frequently have Tryals at Bar in such Causes; and this Government might be questioned why any Jurisdiction over such Causes was lessened or excluded.

In the 12th Line of 3d Page, between the Words *the* and *Tuesday*, insert *first*.

After the Word *Justices*, in 9th Line of 7th Page, put these Words, *And be it Enacted by the Authority, Advice, and Consent aforesaid, That the Justices of Assize, Nisi Prius, and Goal Delivery, shall, in all civil Cases to be tried before them, where any Person concerned shall desire the same, a law and direct special Verdicts to be found.*

The Amendment proposed with regard to special Verdicts in civil Cases only, is the more necessary, as our Judges are not Lawyers as they are in *England*, and therefore cannot certainly determine any Point of Law that may

[*May Sess. 1747.*]