

You cannot but have observed, the Egregious Weakness, as well as the Extravagant Byass (Instances of both which might be mentioned in other cases than here) against his Lordships rights, of the Provincial Bench, the supreme original court of Law in this Province; tho' were I acquainted with the persons of whom it is composed, (I mean of such who can & do attend) I might cease to wonder at their weakness, tho' not be able to account for their preposterous Byass; The Members are, 3 county clerks (Holding their comissions as they imagine during good behaviour in those offices & so independant of the Government & courting popularity) one of whom is Chief Justice, one of the Judges of the Land office, two Members of the Council (W^m Goldsborough and Jenkins Henry, both able Men & I think well disposed) either of whom can rarely from their great distance & Infirmities, attend, And three other private Men to whom I learn are extremely weak; making Nine in all; This number is easily conceived to be to learge, it is more than double the number of any of the Courts in Westminster Hall, which never exceed four Judges; nor is there the least occasion for the Provincial Number, since they have no business to do out of the court but what two county Magistrates (who swarm in every county) can do as well as themselves; And in court, the Decision of 5 will be generally more Just than if they were 50; It being more easy to collect together the small number of five who may be all Men of understanding & more free from Taints of popularity & other prejudices than a Larger number; And as it has been prudent to come to the Resolution (which Resolution ought to be fixed) of dividing no more counties in this Province, because every Division by increasing the Number of Delegates, increases the number of opponents to the Government, the same reason will hold good in the Provincial Court, since by every addition to their number you hazard the Introduction of some who are either weak or wicked; Whence too, it is pretty clear that the smaller their number, the greater probability there will be of admitting only such as may be deserving of this great trust I would therefore humbly recommend a Reduction of the present number to five; for I think the number ought to be odd, to avoid the inconveniences of an Equal Division between them in point of Judgement; And to do this in a manner the most salutary both to his Lordships rights, & to the Honour & Dignity of the Government, I would humbly propose the leaving out the three county clerks at once; for considering the Provincial Court as the Supreme Court of Law in this Province, it is obvious, that it ought to keep clear both from contempt in itself, & from reflecting any to that Government

Original.
Calvert
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