

Malefactors frequently goe Unpunished in their Courts for L. H. J. Want of their being duly Prosecuted by the Clerks of Indictment, whose failure they Impute to their Incapacities and we are further Informed that Such practitioners, as are the most Capable to serve the Government in those Stations Absolutely Refuse to Accept of the Employ for want of a Reward suitable to their Services, That none but Young unexperienced Practitioners are willing to undertake that Office w<sup>ch</sup> they Chiefly do as an Introduction to further Business.

So that if we Concurr with you in Reducing or Restraining the fees you mention as an aggrievance, The Consequences must Inevitably be the Encouragement of Offenders who will yet the more Easily Escape Punishment for want of an Understanding prosecutor, which we Doubt will be found the much greater Aggreivance of the two.

Gent. We are Sorry if any Cause has been Given you to represent the members of this House that are Judges in the Prov<sup>l</sup> Court as any Agrievance to the Publick by their Sitting their as Seems Suggested p your Message & Representacon relateing thereto, but we rather believe You Take the Hardship to be in respect to those few suitors that may happen to Appeal to the High Court of Appeal in Case the same Judges should sitt to hear and give their Voices in such appeal, and Taking it to be so, we observe to You, that it has ever been p. 49 the Constant practice to the best of our Remembrances for such of the Court of Appeales as had Set on the Determinacon of any Point of Law in the Prov<sup>l</sup> Court to forbear Giving any Voice in the Court of Appeals in such Case and We Cannot Advise his Hon<sup>r</sup> the Governour (in whose Breast it Solely lyes) for the Sake of those few Appellants that happen (and as you may perceive we are unprejudiced by the present Constitution) to deprive the Publick of the Gentl Service in the Prov<sup>l</sup> Court that belong to this House, Who we believe, as they are the Longest standing in that Court may be Allowd to be of the most Experience in the Law and Practice thereof, And tho' the members of this House that sit there seem very Desirous to be Excused from such a Tedious Attendance Yet we Cannot think it Consistent with the welfare of the Province, that they should be Indulged therein Especially since they seem fully Convinced of their Duty to Serve the Publick in whatsoever Station the Governour is Pleased to place them.

Signed p Order Joh Beale Cl: Up<sup>r</sup> Ho:

Which being read, the ffarther Consideration thereof is Referred to the next Session.

Coll<sup>o</sup> Tilghman from the Upper House Delivered