

U. H. J. The following Message Prepared Viz.

By the Upper House of Assembly

Oct<sup>r</sup> 26<sup>th</sup> 1720

Gentl. As to the Aggrievance relating to the Clerks of Indictm<sup>ts</sup> we are Informed by the Attorney Generall that there have been Complaints to him from sev<sup>ll</sup> Countys that Malefactors frequently go unpunished in their Courts for want of their being duely Prosecuted by the Clerks of Indictments whose failures they Impute to their Incapacities and we are further Informed that such Practitioners as are the most Capable to Serve the Governm<sup>t</sup> in those Stations Absolutely  
 p. 78 Refuse to Accept the employ for want of a Reward Suitable to their Services & that none but young and unexperienced Practitioners are willing to undertake that Office which they Chiefly do as an Introduction to further business so that if we Concurr w<sup>th</sup> you in Reduceing or Restraining the fees you Mention as an Aggrievance the Consequence must Inevitably be the Encouragement of Offenders who will yet the more Easily Escape Punishm<sup>t</sup> for want of an Understanding Prosecutor w<sup>ch</sup> we doubt would be found the much greater Greivance

Gentlemen. We are Sorry if any Cause has been given you to Represent the members of this house that are Judges in the Provinciall Court as any grievance to the Publick by their Sitting there as seems Suggested by your Message and Representation relateing thereto. But we rather Believe you take the hardship to be in Respect of those few suitors that  
 p. 79 may happen to Appeale to the high Court of Appeales in Case the same Judges should Sitt to hear and give their Voices in such Appeale and takeing it to be so we observe to you that It Ever has been the Constant Practice to the Best of our Remembrance for such of the Court of Appeals as had Satt on the Determination of any point of Law in the Provinciall Court to forbear giveing any Voice in the Court of Appeales in such Case And We Cannot Advise his Hon<sup>r</sup> the Gov<sup>r</sup> (in whose Breast It solely Lies) for the Sake of these few Appellants that happen, and as you may Perceive are unprejudiced by the p<sup>sent</sup> Constitution to Deprive the Publick of the Bennefitt of the Gentlemens Service in the Provinciall Court that belong to this House who we believe as they are of the Longest Standing in that Court may be allowed to be of the most Experience in the Law and Practice there and tho the memb<sup>rs</sup> of this house that Satt there seem very Desirous to be Excused  
 p. 80 from such a Tedious attendance yet we cannot think it Consistent with the Welfare of the p<sup>vince</sup> that they should be