

fore propose that a Reviving Bill be prepared to revive it for L. H. J.
a Longer Time

Sign'd p order Sam^{ll} Skippon Cl Up Ho:

Thereupon Resolved that a reviving & Supplementary Bill be prepared to the said Act.

On reading the Endorsm^t on the Supplementary Bill to the Act for Tryall of all matters of fact in the Countys where they arise the following message is prepared Viz:

By the Lower House of Assembly Octob^r the 24th 1724 p. 160
May it please yo^r Honours

In Answer to your objections to the Supplementary Bill to the Act for trying matters of ffact in the Counties &c^a We desire your Honours to consider first, that Bills of Exceptions are only the Reducing matters given in Evidence to writing while they are fresh in the memory of the Judges; which (we conceive) cannot possibly be attended with any Inconvenience; but on the Contrary the Judges will have an opportunity of deliberately considering what the Law is upon such a fact, and by that means prevent the mischieff, that may happen either by the Jury's mistaking the weight & Effect of the Evidence, their taking upon them the Determination of Matters of Law (which they are not Judges of) and mistaking the Law, and the precipitancy of the Judges themselves; any of which may be the ruin of an Innocent man and his family, or the means of a guilty persons escaping Just punishm^t Besides as it is the duty of the Judges to see that nothing but truth be inserted, so it is the Duty of the Attorney Generall or other Councill concern'd for his L^{pp} to see that the Bills of Exception are regularly drawn. Secondly That the allowing the associates Voices in Criminall Cases, is so far from being an Innovation in the Brittish Constitution (w^{ch} ought to be o^r pattern) that it is exactly agreeable to it as appears by the fforms of the Commissions & writts of Association. Thirdly, That the motives inducing this house to desire the Justices of Oyer and Terminer should not Try matters of ffact within the Cognizance of the County Courts are first to p^rvent the s^d Justices being hindred to proceed in matters that must be Determined before them, and secondly to lessen the Expence of poor people that may be either unjustly accused or be Ignorant Transgressors, which we hope may be provided for by a Clause in the Bill that nothing Tryable by the County Court should be Tryable else where Except in Cases of necessity or Doubt and that in all such