

L. H. J. Circumstances of this province For in that which was noted upon the Back of the Bill we had no regard of what was practiced upon Speciall Commissions & Writts of association, whereby some other persons at the King's pleasure were Joyn'd with the Judges in Judicature, but we therein had respect to the usages of England as it was practic'd in Administracōn of Justice on the Circuits; which is the thing now under the consideracōn of both Houses, so that you must give us Leave to say that your House was mistaken If you apprehended that we in what was then propos'd to you had any other thing in view then what strictly related to the Administracōn of Justice upon the Circuits lately Establish't and now about to be regulated in the practice thereof within this province

Thirdly, We are still of opinion that a Generall Restraint upon the Judges of Oyer and Terminer from trying any of the Matters Criminall which are Cognizable in the County Courts, may be of Evill consequence; for as we could never have Imagined that the Judges upon the Circuits altho' they had lain under no Restraint, would ever have suffered themselves, by the hearing of petty offences to have been Interrupted in the trying of matters of Consequence, and such Causes as were necessarily Determinable before them, So we believed that their own discretion would have been a rule to them in such Cases. However we are willing to Joyn with you in restraining their Jurisdiction to such Cases only as shall seem necessary or doubtfull and where the offenders are notorious But we must Likewise Represent to you that we see no reason for Encouraging Roguery of any Sort, by lessening the usuall ffees upon the prosecution which is always lookt upon to be a part of the punishm^t Justly due to offenders. The Judges we are confident will always avoid the hearing of any other Criminall Cases then Such as shall be thought necessary, wherefore we are of opinion that to lessen the ffees given by Act of Assembly in such Cases would be an Indulgence of the Legislature which ill people have no manner of Title [to.]

Fourthly, We Concurr with your House, That Tryals [at
p. 169 the] Barr, where the nature of the Case and the furtherance of Justice Evidently require it, may be allowed of with a Saving to all parties accused the benefit of writts of removall and Tryalls in the Provinciall Court or before the Justices of Oyer and Terminer and Goal Delivery as the nature of the Case may require with which alterations and amendm^{ts} this Bill will pass

Sign'd p ord^r Sam^l Skippon Cl. Up. Ho.