

By the Lower House of Assembly October the 24th 1724 U. H. J.
May it please Your Honours

In answer to your objections to the Supplementary Bill to the Act for trying matters of Fact in the Counties We desire your Honours to consider first that Bills of Exception are only the reducing matters Given in Evidence to Writing while they are fresh in the Memory of 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 mischiefs that may happen either by the Jurys mistaking the Weight and 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 punishment besides as it is the duty of the Judges to see that nothing but Truth be incerted so it is the duty of the Attorney General or other Council Concerned for his Lordship to see that the Bills of Exception are Regularly drawn. Secondly that the Allowing the Associates Voices in Criminal cases is so far from being an Innovation in the British Constitution (which ought to be our pattern) that it is exactly Agreeable to it, as appears by the forms of the Commissions and Writts of Association Thirdly, that the motives inducing this House to desire that the Justices of Oyer and terminer should not try matters within the cognisance of the County Courts are first to prevent the said Justices being hindered 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 ignorant Transgressors which We hope may be Provided for by a clause in the Bill that nothing triable in the County Courts should be triable elsewhere except in cases of Necessity or doubt and that in all such Cases the fees of all kinds before the Judges of Assize shall be no more than those Allowed in the County Courts.

And fourthly that Tryals at the Bar where the nature of the case and the furtherance of Justice require them are the undoubted right of the Lord Proprietary and of the [people] by the Laws of England & consequently that the preventing such a Trial in any case would be inconsistent with the Constitution and we cant Apprehend the least danger of the Provincial Courts allowing any such Trials but where they are necessary & the Removalls proposed to the Provincial Courts are not intended to bring frequent Trials of Matters