

Sixthly We cannot conceive that Law Suits will be increased by the Act proposed when it will be apparent to the Creditor that he cannot get what he sues for and we cannot have so poor a Thought of the Trading men that they would sue their Debtors out of Resentment as your Observation seems to import U. H. J.

Seventhly. This observation lyes against every new Law as well as that Proposed and We hope your Honours will not allow an Inconveniency which you cannot see to prevent you from consenting to remedy one that God knows is but too apparent.

We pray your Honours intimation with all that Expedition that the circumstances of this case requires how far your Honours can Assent to the Reliefs proposed.

Signed p Order M. Jenifer Cl Lo Ho.

Read the Message of October the 24th and the following Answer prepared thereto viz^t

By the Upper House of Assembly October the 28th 1724
Gentlemen.

Upon consideration of your Message of October the 24th In Answer to the Indorsement made upon the Bill intituled A Supplementary Act to the Act for trying matters of Fact in the Counties &c^a We are willing to condescend so far in the first point controverted that Bills of Exceptions may be Signed and Allowed of by the Judge of oyer and Terminer and Goal delivery in favour of life only least the too frequent use of such Bills of Exceptions in other criminal cases (which is contrary to the practice in England) should prove an Encouragement to ill People who by that means might frequently Escape the condign punishment that might be justly due to their Offences. p. 136

Secondly We see no Reason to Recede from our former opinion as to the Voices of the County Justices in Criminall cases upon the circuits for we conceive that the Allowance thereof would be an innovation made as we Observed to you before upon the English Constitution which we are as desirous of Copying after as any of the members of your House in all the Branches thereof which are Adequate to the circumstances of this Province For in that which was noted upon the Back of the Bill we had no Regard to what was practiced upon Special Commissions and Writts of Association whereby some other Persons at the Kings pleasure were Joyned with the Judges in Judicature but We therein had respect to