

U. H. J. the Usage of England as it was practised in the Administration of Justice on the Circuits which is the thing now under the Consideration 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 proposed to you had any other thing in View than what Strictly Related to the Administration of Justice upon the Circuits lately established and now About to be Regulated in the practice thereof within this province

Thirdly We are still of opinion that a General 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 evil consequences For as we could never have Imagined that the Judges upon the Circuit altho' they had lain under no such Restraint would ever have suffered themselves by the hearing of Petty Offences to have been Interrupted in the trying 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 all such cases. However we are willing to joyn with you in restraining their Jurisdiction to such cases only as shall seem necessary or doubtful and where the Offendors are notorious But We must likewise represent to you that We see no Reason for Encouraging Roguery of any sort by lessening the usual fees upon the Prosecution which is always lookt upon to be a part of the Punishment justly due to Offendors The Judges we are Confident will always avoid the Hearing of any other Criminal Cases than such as shall be thought necessary Wherefore we are of Opinion that to lessen the fees 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 concur with your House that Tryalls at the Bar where the nature of the case and the furtherance of Justice evidently require it may be allowed of with a Saving to all parties accus'd the Benefit of Writts of Removal & Trials in the Provincial Court or before the Justices of Oyer and Terminer and Goal Delivery as the nature of the case may require with which Alterations & Amendments the Bill will pass.

Signed p Order Samuel Skippon Cl Up Ho.

Sent the Above message together with the Bill by James Bowles Esq<sup>r</sup>

A Bill from the Lower House of Assembly by M<sup>r</sup> Tyler