

U. H. J. stand and the two Commissioners named by this House Added, and that the Clause for a Review do continue in the bill as proposed by this House and in Case the Appellant faile in making good his Appeal to pay such Costs as shall be Adjudged by the Commissioners of Review, And if the Appellant doth make good his Appeal the Cost Adjudged by said Commissioners to be discharged by the County And the penny p lott proposed as an Amendment in our last Message sent downe with the bill be sterling; with these Amendments the bill will pass

Signed p Order John Ross Cl. Up. Ho.

A Message from the lower House by Maj^r Hanson and M^r Knight with the Assize Bill.

By the lower House of Assembly September 3^d 1731.

p. 143 May it please Yo^r Honours

We have considered the Amendments proposed by your Honours to the Assize Law & cannot consent to the first, but Offer, that instead thereof the following be Added.

Provided Nevertheless And be it further Enacted that nothing in this Act or the Act hereby Intended to be revived shall hinder or debarr the Justices of Provincial Court of this Province from hearing, Determining, & punishing at the Bar of the said Court any Crime or Offence not Tryable in the County Courts of this Province & which shall not be heard Tried & Determined by or before the Justices of Assize Nisi prius & Goal Delivery so always as five of the Jurors who shall be returned in any such Tryal shall come from the County where any such Crime or Offence which shall be so tried at Bar shall be Supposed to be Committed.

And be it further Enacted that the Justices of the Provincial Court in all such Cases shall & may Award & Issue Venire facias Juratores & Summonses for any Witness or Witnesses, And that any person who shall be Summoned or warned to Appear as a Juror or Witness & shall Neglect or refuse to Appear at the time mentioned [in the] Venire facias Juratores or Summons without a Sufficient reason for such non Appearance to be Admitted by the s^d Justices shall & may be fined according to the directions of the Act causing grand & Petit Jurors & Witnesses to come to the Provincial Court & Ascertainning their Allowances which fines shall be Applied as that Act directs.

And that the Justices of the Provincial Court be Enabled to continue the Causes now therein Depending, if they shall find it Needfull untill the third Tuesday in October, Seventeen hundred and Thirty two, which we desire your Honours will Concur with, that the bill herewith sent, may be Engrossed

Signed p Order M. Macnemara Cl. Lo. Ho.