

L. H. J.
Liber No. 52
Nov. 9

Post Meridiem

The house met according to Adjournment &c,^a

M^r John Hammond Dorsey app.^d in the house,

The Bill Ent.^d An Act for the erecting a Town at the head of Wiccocomico river in Somerset County for laying into Lots fifty Acres of Land in the forks thereof and at the Landing formerly called Handy's or Carrs Landing was read the 2,^d time and will pass and with the Bill Ent.^d An Act for advancement of Justice, were Sent to the Upper house with the following Message (Viz^t)

By the Lower House of Assembly Nov.^r 9,th 1763

May it please your Honours

We herewith return you the Bill Ent.^d An Act for the advancement of Justice, and on due Consideration of your proposed Amendments have agreed to all but the first & Second and the last as Consequent to the Second

Your first amendment tis true would reduce the Speedy Trial Clause in the Bill to the Same as it Stood formerly in the Act passed in 1723 but on the Laws being reenacted in 1753, that Clause was totally Omitted from an Opinion we Suppose in the then Legislature that Defendants Could not be ready to make a real Defence when they had any, the first Court and as we are desirous on the one hand to prevent unnecessary delays to honest Creditors so on the other we are fearfull of forcing a Defendant to Tryal so Speedily after Notice that he cannot reasonably be presumed to be fully prepared, We therefore frame this Bill in such a manner as we thought would probably take away all Cause of Just Complaint from both partys nor do we yet believe but that the Bill Lays down the best General Rule by which to Deal out Common Justice, for the Instances are very rare where Defendants know enough of the Law to foresee the probable points of their Causes and the necessary proofs to be adduced before they Advise with some Gentleman of the Law which either from their living remote, or some other Circumstance they Seldom do before the Court to which the Writ is returnable, If your honours on reviewing this Matter should see it in the same light that we do, we doubt not you will recede from your first Amendment

We find by An Act passed in 1715 the Chancery Court Cannot take Cognizance for any thing less than five Pounds One penny or 120l.^{lb} Pounds of Tobacco this was in the Infancy of the Province and when, for any thing we find, there was no other Chancery Jurisdiction, from whence we conclude that a total loss of smaller Claims was thought more eligible than a Recovery of them in the high Court of Chancery and now by your 2.^d proposed Amendment as the Chancery Court exclusive of any other Jurisdiction would take Cognizance of five Pounds one penny or 120l.^{lb} pounds of Tobacco