

U. H. J.
Liber No. 36
June 18
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2.^{dly} Because Plaintiffs are by this Bill abridged in their Rights of Removal and Election to sue in the Jurisdiction where Justice is best to be obtained, and this upon a kind of inverted principle of Law, in favor of offending Defendants to the prejudice of already injured Plaintiffs. An Election and Right which the Wisdom and Justice of the Laws, as well of the Parent Country as of this Province, have hitherto allowed and countenanced in favor of Remedy. For altho' the Bill leaves some Liberty to sue in the Supreme Court, and Professes a Right of Appeal, yet the Supreme Court is to be excluded all original Jurisdiction for such Claims as are most usually sued for, as well by the People in general, as by the Merchants trading here in particular, that is instead of Sums under £20 St.^s the Supreme Court is now forbid to hold plea of all Sums under £100 St.^s or under 30,000 pounds of Tobacco, equal to £250 St.^s as Tobacco has Sold for many years preceeding this year, whether it be by originating the Suit in the Provincial Court, or by Removal to it from the Courts below; excepting only that the Defendant may elect to remove it but the Plaintiff cannot: which appears to me unequal, and I fear is therefore unjust. Plaintiffs however who receive Injuries, altho' they should live at one Extremity of the Province and the Defendants at the other, must attend their Suits at the other Extremity amidst the Connections and highest Influence of the Defendants, for all Sums not exceeding the above mentioned. How inconvenient and even impracticable this must be to Commercial People, as well as others who have such Demands in many different Counties, very Common in this Country, needs not be mentioned. Nor is it uncommon for Principal and Securities to reside in several Counties. Upon the plea of Non est Factum to a Bond so Circumstanced the Plaintiff cannot have his Bond in all the Counties of the several Defendants Residence, and is therefore liable to be Nonsuited in all but one of those Actions—pay Costs and lose his Security. 'Tis true an Appeal is declared to be due from the Judgment of the County Court. But there cannot, by the Constitution be an Appeal from the Verdict of a Jury: and from the Judgment of the Court there cannot be an Appeal with Success, unless there chance to be Error apparent on the Record: and how seldom this happens is well known. So that I conceive this seemingly great Privilege of Appeal under this Bill is of but little Advantage, opposed to the disadvantageous Condition in which Plaintiffs are now placed of being forced to sue below for large Sums without the Privilege of removing their Causes to have a better—a more unbiased Jury in the Supreme Court; altho' Defendants may do it or not at their Pleasure under this Bill.

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3.^{dly} Because Inconveniencies to Plaintiffs, I am persuaded will be much greater under the present Bill than what it Professes to avoid