

U. H. J.  
Liber No. 36  
Nov. 26

The present Assize Bill (as well as of former Assize Laws) directs the Records to be made out for the Trial of Issues in Fact at the Assizes. In these cases there are no Judgments entered up or Transcribing the Pleading into a Book. The Suits may abate, be agreed or discontinued. If an Action be prosecuted in the Provincial Court, and afterwards another Action in the County on the same Bond may not the former be pleaded in Bar of the latter? If a Suit be abated by the Death of the Defendant, and without Delay renewed against his Executor or Administrator, may not the Bar from the length of Time be avoided by pleading the former Suit, and recent renewal? In either of the Cases put; tho' the Proceedings be not Transcribed into a Book, may they not be properly referred to as Records?

In what respects the Clerks differ in their manner of charging we do not know; but what is wrong we are willing to Correct. It is true that when it becomes necessary to Transcribe the Pleadings into a Book, the trouble is greater than when this Business is not done, and the Reward therefore is not always Proportioned to the trouble; but this exact Proportion between the Service, and the Reward cant always be maintained

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By the Laws of this Province yet in full Force, an Attorney has an Allowance of the "same" Fees on Finishing a Suit in which he is concerned, whether it End in a Judgment, after the Trial of Issues in Fact, Arguments on Demurrer, and Motion in arrest of Judgment or by the Death of one of the Parties immediately after Appearance, and yet on the whole we presume you will not strenuously content that the Fee allowed by Law is extravagant, and requires Reduction.

As to the Time of Payment we do not perceive any Inconvenience from it, but what may fall upon the Improvident, whom hardly any Indulgence can save from Distress. If the Farmer is supposed to be unable to pay before he shall have disposed of his Crop, Your Time of the 10.<sup>th</sup> of August would not Suit his Circumstances, for he could not dispose of his Crop to advantage till some Months after that Day.

As to the Publick and County Levy, and Parochial Charges when the former shall be laid, the Law directing it may properly appoint the Time of Payment, and for the most part they who may be concerned in the County Levy, or parochial Charges may make their Contracts or have their Allowances suited to the time of Payment; but they who cant, we agree ought to be paid in the same manner with the Officers and Lawyers.

As to the Inspectors Bonds, we shall only observe, that there ought to be a Security against the Oppression of Inspectors as well as of other Men, and that, as the Bill is framed we apprehended they might be perpetually harrassed by Groundless Suits and receive no Satisfaction for the Costs attending their Defence.

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