injury ſuſtained. Why has this bill been rejected? Are the damages impoſed upon the perſon who has dragged his adverſary through all the labyrinths and tedious forms of law from court to court, merely to procraſtinate the payment of a juſt claim, in your eſtimation too large? Is it juſt that the creditor ſhould, when reluctantly forced to have recourſe to law, be kept out of his money for ſeveral years by frivolous and vexatious appeals, calculated ſolely for the purpoſe of delay, without receiving any ſatisfaction for the diſappointment, and heavy loſs incurred?

In many caſes the plaintiff recovers no intereſt at all upon his claim fixed by judgment in the inferior court, after a delay of three or four years by appeal, and can it be ſaid, even in thoſe caſes where legal intereſt may be recovered, that it is a ſufficient compenſation for the delay and expence attending the appeal? This, we believe, will ſcarcely be aſſerted, for the experience of every man in buſineſs would contradict the aſſertion. If then to compenſate the creditor, who has been injured by an unreaſonable delay, be juſt, the only queſtion which can ariſe, muſt relate ſolely to the quantum of the compenſation to be made to him. To admit that the party aggrieved ſhould be compenſated, and yet to contend, that this is not the time to grant or permit ſuch compenſation, is ſaying that juſtice may be juſtly excluded from certain counties at ſome particular times and ſeaſons. The obligations of juſtice are as immutable, as that Being who is the fountain of all juſtice, and extend to all times, places and perſons.

Many and heavy are the complaints, from all quarters of the want of credit, and of the ſcarcity of caſh. An unequal and oppreſſive ſyſtem of law, and defective adminiſtration of juſtice, are not likely to reſtore credit and confidence (the foundation of credit,) or to introduce a greater plenty of coin. The ſcarcity of the latter may be partly, perhaps principally, aſcribed to this very defective ſyſtem of law. Can it be reaſonably expected, that the monied man will lend his money at intereſt, when he has no aſſurance that he ſhall recover his principal by any certain limited time, however great and preſſing his intermediate wants may be, and that he ſhall receive no compenſation, after a ten years law-ſuit, for being ſo long deprived of the uſe of his capital? Perhaps it may be objected, that the people are ſo much involved in debt, that to ſubject them to damages in the caſe of dilatory appeals, would conſtrain them to diſpoſe of their property on too ſhort a credit, and conſequently at a great loſs, in order to ſatisfy their creditors. Experience, we apprehend, will juſtify the remark, that unreaſonable delays are equally injurious to debtor and creditor. Even without appealing, the debtor might, in moſt inſtances, give at leaſt three years credit on the ſale of his property, and probably a much longer credit with the conſent of his creditor, if the latter could be aſſured of payment at the end of the time agreed upon.

But this argument, by proving too much, proves nothing; for at the end of any given time, ſay ſix or ſeven years, debtors would moſt probably find themſelves under the very ſame, if not greater difficulties, and it would then be argued, that the ſame objections to the law being ſtill in force, its adoption would be as improper at the end, as at the commencement of the term, and thus a law, however reaſonable and juſt in itſelf, might never take place, becauſe there will always be found men, whoſe improvidence would ſubject them to the diſagreeable neceſſity of ſelling their property at an under value to pay their debts.

We are inclined to think, that the facility of procraſtinating payments to a long and indefinite term, is one of the principal cauſes of the improvidence of debtors, and the multiplication of law-ſuits. To this ſource may be traced the exorbitant importations of foreign luxuries, ruinous and gambling contracts, and the extravagance and diſſipation of many. If debtors knew that they could be compelled by due courſe of law to pay their debts at a certain day, and that not too diſtant, they would not incur the expence of a law-ſuit, and they would ſeriouſly reflect on the extent of their engagements, and would enter into none, but with the full expectation and probable means of complying with them at the time limited by the contract, or the law.

The principles of the bill, we are ſatisfied, will ſtand the teſt of fair argument and a full diſcuſſion; we wiſh them to be thoroughly ſifted. If the damages given by the bill, (ſubject however in every caſe to the diſcretion of the courts,) are by you deemed too heavy, the proper and parliamentary way of proceeding would have been to have propoſed amendments to ſuch parts of the bill as appeared to you exceptionable, or defective. By putting a negative on the bill, we are left to infer, that the principle, and not the proviſions, are objected to; if ſo, your ideas of juſtice muſt be very different from ours, and that they ſhould differ, in ſo plain a caſe, excites both our ſurpriſe and regret.

If any parts of this bill, not connected with the main ſubject of it, were diſapproved, we apprehend it ought to have been propoſed to ſtrike them out, and we ſhould not have adhered ſo tenaciouſly to every part of the bill, as to have loſt it on a difference of opinion upon a collateral point. There is only one part of the bill, though not connected with the principal object, which we can ſuppoſe might have occaſioned its rejection. We mean that part which gives the plaintiff a right to remove a cauſe, before trial, from the county to the general courts; we conceive this right ought to exiſt, and will not be abuſed; for a plaintiff will not remove his cauſe, and thereby occaſion delay, unleſs for good reaſon: It ſometimes happens, that a plaintiff is obliged to take a writ in the county court to prevent the defendant removing himſelf out of the ſtate before recourſe can be had to the clerk of the general court, and yet there may be good reaſons for the plaintiff's deſiring the cauſe ſhould be tried in the general court. If the law reſpecting the juriſdiction of the county courts ſhould be continued in all its parts, a plaintiff cannot remove a cauſe from the county to the general court, in any caſe, before trial. But though we think this part of our bill right, we would recede from it, rather than it ſhould remain an obſtacle