

Therein mentioned with the following Message viz - By the Upper house of Assembly
October the 26: 1720 - Gent^l We have with honor you the draught of a bill which we
think very necessary to prevent the Oppression therein set forth, which we look upon
to be a Curst to the People - Signed by Order - John Beale Esq: Sp: Secy
whereupon the bill to Restraine the Process of Prosecutions on Administration
of Testamentary Bonds was read the first and second times by Especial Order
and past - which being so done it was sent to the Upper house by Mr. Smith
Mr. Wilmer, who Return and say they have delivered it - Call: Ward & Mr. Thibault
from the Upper house delivered M: Speaker the following Message viz: By the
Upper house of Assembly October the 26: 1720 - This Bill being read will pass
with the following amendment viz: Instead of the words of the last and Demerger's ag:
them untill the determination of the Com: of review shall be had thereupon -

These words be inserted viz: [of all such costs and Damages for which they are or
shall be in Execution in case they do not Enter and prosecute their Appeal according
to the Direction of this Act or that it shall not be otherwise decreed by the Com: of
Review] Signed by Order John Beale Esq: Sp: Secy - And therewith also delivered
the Supplementary Bill to the Act for ascertaining the Bound of Land which
Accordingly was amended and passed for Engraving - John Hall Esq: Sp: Secy

The Upper house delivered M: Speaker the following Message viz: By the Upper
house of Assembly October the 26: 1720 - Gent^l Unto the grievances relating to the
Acts of Bankrupts. We are informed by the attorney Gen^l that there have been
Complaints to him from several Counties that Malefactors frequently go unpunished
in their Acts for want of their being duly prosecuted by the Courts of Judgement -
whose failures they impute to their Incapacities and would further inform that
Such Practitioners, as are the most Capable to serve the Government in those
Situations absolutely Refuse to accept of the Employ for want of rewards suitable to
their Services, that most but young unexperienced Practitioners are willing to under
take that Office which they chiefly do as an Introduction to further Business

So that if we concur with you in reducing or restraining the fees you mention
of an aggrievance, the consequences must Inevitably be the Encouragement of Offenders
and the more Early Escape with impunity for want of an Understanding
Prosecutor, which we doubt would be found the much greater Grievance of the two

Gent^l We are sorry if any Cause has been given you to represent the members
of this house that are Judges in the provinciall Court as any Aggrievance to the Publick
by their sitting their advices suggested by your Message of Prosecutions relating
thereto, but we rather believe you take the hardship to be in respect to those few
that may happen to appeal to the high Court of Appeal in case the same Judges
should sit to hear and give their Votes in such appeal, and taking it to be so, we should
be glad that it has ever been the intention granted to the best of our remembrance
for such of the Court of Appeals as had set on the Determination of any Point of
Law in the provinciall Court to forbear giving any Voice in the Court of Appeals
in such case and we cannot Advise but that the Governour (in whose breast
belonging for the sake of these few Appellants that happen (and as you may perceive
and is justified by the present Constitution) to deprive the Publick of the Gentlemans
Service in the provinciall Court that belongs to this house, who we believe, as they are the
wisest and most experienced in the Law
and practice thereof, and the the members of this house that sit there soon very desirous
to be excus'd from such a tedious Attendance yet we cannot think it consistent with
the welfare of the province, that they should be Judges therein especially since they
soon fully Governed of their duty especially in respect to serve the
(Publick)