

People, by an equal, just and tender Execution of his Office, and that the People might be endeared to the Sheriff by having him one of their own Choice, who would surely be so acceptable to them, as that they would not Complain against him without cause, and if they had cause, they might have liberty, at the end of a reasonable Term, to make a better Choice, and be themselves answerable, as Sureties, for his good demeanor in his Office. By this, *viz.* by a free Election of Sheriffs, according to the Common Law of *England*, your Committee conceives, all troublesome Clamours would be avoided, and all Impositions, on the Governour or Prime Minister, for the time being, prevented, by having Persons recommended to him as fit for those Offices, that may be unworthy, or perhaps unqualified by Law; as (your Committee is informed) was the Case of the present Sheriff of *Cecil County* who had not been three Years in the Province before he had obtained that Commission, nor, as some alledge, was either then or yet a Freeholder; and the Governour be thereby eased of the Trouble of importunate Sollicitations, and of the pain of being sometimes obliged to deny the request of whom he respects, when, perhaps, more than one may sollicite at one and the same Time for the same Office, that one can only be obliged in. And as the Grant of that Office is of no Advantage but a Trouble to the Person granting it, we hope it may be thought the rather Conducive to the common Satisfaction of Prerogative and People, and by this means also, the many Neglects of taking no Sureties, or of taking such as are not sufficient to answer the publick Debts, and all the ill Consequences thereof, will, in the opinion of your Committee, be effectually remedied. The Electors of such Sheriffs being answerable for him, as the Electors of Coroners are at this Day in *England*.

*Sign'd per Order, N. M. Cl. Com.*

On reading the Endorsement on the Supplementary Bill to the Act for Tryal of all Matters of Facts in the Counties where they arise, the following Message is prepared, *viz.*

By the Lower House of Assembly, *October the 24th 1724.*

*May it please your Honours;*

*Lower House's remarks on the Circuit Bill.*

IN answer to your Objections to the Supplementary Bill to the Act for trying Matters of Fact in the Counties, &c. we desire your Honours to consider, *First*, That Bills of Exception are only the Reducing matters given in Evidence to Writing, while they are fresh in the Memory of the Judges; which (we conceive) cannot possibly be attended with any Inconvenience; but on the contrary, the Judges will have an opportunity of Deliberately considering what the Law is upon such a Fact; and by that means prevent the Mischiefs that may happen either by the Jury's mistaking the weight and effect of the Evidence, their taking upon them the Determination of matters of Law (which they are not Judges of) and mistaking the Law, and the precipitancy of the Judges themselves; any of which may be the Ruin of an Innocent Man and his Family, or the means of a Guilty Person's escaping just Punishment; besides, as it is the Duty of the Judges to see that nothing but Truth be inserted, so it is the Duty of the Attorney General, or other Council concern'd for his Lordship, to see that

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