

By the UPPER HOUSE of ASSEMBLY, 9th November, 1763.

GENTLEMEN,

THIS House hath named *Daniel Dulany*, *John Ridout*, and *Philip Key*, Esqrs; to confer with the Members appointed by your House in your Message of this Day by Messieurs *Ringgold* and *Grahame*.

Signed per Order, J. Ross, Cl. Up. Ho.

The House adjourns till II of the Clock Afternoon.

POST-MERIDIEM. The House met according to Adjournment, &c.

Mr. *John Hammond Dorsey* appeared in the House.

The Bill, entitled, *An Act for the erecting a Town at the Head of Wicomico River, in Somerset County, &c.* was Read the second Time and will pass; and, with the Bill, entitled, *An Act for the Advancement of Justice*; was sent to the Upper House with the following Message, viz.

By the LOWER HOUSE of ASSEMBLY, 9th November, 1763.

May it please your HONOURS,

WE herewith return you the Bill, entitled, *An Act for the Advancement of Justice*; and on due Consideration of your proposed Amendments, have agreed to all but the first and second, and the last as consequent to the second.

Your first Amendment, 'tis true, would reduce the speedy Trial Clause in the Bill to the same as it stood formerly in the Act passed in 1723; but on the Law's being re-enacted in 1753, that Clause was totally omitted, from an Opinion, we suppose, in the then Legislature, that Defendants could not be ready to make a real Defence, when they had any, the first Court; and as we are desirous, on the one Hand, to prevent unnecessary Delays to honest Creditors, so on the other, we are fearful of forcing a Defendant to Trial so speedily after Notice, that he cannot reasonably be presumed to be fully prepared, we therefore Framed this Bill in such a Manner as we thought would probably take away all Cause of just Complaint from both Parties; nor do we yet believe but that the Bill lays down the best general Rule by which to deal out common Justice; for the Instances are very rare where Defendants know enough of the Law to foresee the probable Points of their Causes, and the necessary Proofs to be adduced, before they advise with some Gentleman of the Law, which, either from their living remote, or some other Circumstance, they seldom do before the Court to which the Writ is returnable. If your Honours, on reviewing this Matter, should see it in the same Light that we do, we doubt not you will recede from your first Amendment.

We find by an Act passed in 1715, the Chancery Court cannot take Cognizance of any thing less than Five Pounds One Penny, or 1201 lb of Tobacco; this was in the Infancy of the Province, and when, for any thing we find, there was no other Chancery Jurisdiction; from whence we conclude, that a total Loss of smaller Claims was thought more eligible than a Recovery of them in the High Court of Chancery, and now, by your second proposed Amendment, as the Chancery Court, exclusive of any other Jurisdiction, would take Cognizance of Five Pounds One Penny, or 1201 lb of Tobacco and upwards, we are apt to believe, that many who might have equitable Claims for small Sums, would form the like prudential Judgment, and acquiesce under Frauds and Wrongs, rather than undergo the necessary Attendance, Trouble, and Expence, to obtain Justice at so dear a Rate.

As, therefore, the Measures of Redress would be more intolerable than the Injury, and thus stinting the County Court's Chancery Jurisdiction, would be withholding an adequate Remedy, we hope your Honours will consent, that that part of our Bill shall stand, by which a moderate concurrent Jurisdiction will be continued, and Justice administered near the Homes of contending Parties, and that too, more speedily and with much less Expence than in the High Court of Chancery; a Jurisdiction exercised for Ten Years past, approved from Experience, familiarized to the People, and on which the retaining many Equity Suits already begun in the County Courts, now depends.

Signed per Order, M. MACNEMARA, Cl. Lo. Ho.

Was sent to the Upper House by Mr. *Waters* and Mr. *William Adams*.

Mr. *Ringgold*, from the Conferees, delivers to Mr. Speaker, the following Proposals, viz.