

them for the same. To which Wee humbly Answer, wee are of Opinion that you & your Council are Sufficiently Authorized & Empowered by yo^r Comission from their Majties to hear & determine all matters in Law comeing before you Either by appeale or Writt of Error from the provinciall Court without any further or other Comicon or Authority for the same but wee Conceive it Necessary for informacōn of the people that you Signifye by proclamacōn how often in the yeare you will sit to heare & determine such matters.

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2 What will bee the best Method or Manner for constituting a Court of Equity or Chancery in this province According to the Constitutions of the same.

Wee say that because you have power & Authority to Constitute Erect & Establish such & soe many Courts of Judicature and Publick Justice &^{ca} as to you shall seem convenient &^{ca}

You may constitute a particular Court of Equity in this Province but then for the hono^r of the Governo^r & Covncill it would bee Necessary to declare by a Law that any pson Expecting to be Releived by Equity shall lay hold of the same by Injunction or Otherwise before the Matter in Law by appeale or Error bee laid before the said Govern^r & Covncill & not after Or Else you may procure a Law to be made declaring the Govern^r & Covncill to be Judges in Equity within this province when the matter shall in a Regular Equitable way be brought before them by Subp^a Injunction or peticōn & not otherwise and this wee say because wee are not Unanimously agreed w^{ch} of the Two is most agreeable to the Currant of Law and Constitucōn of this Province.

And Wee humbly Signifye that wee take it to be ag^t the Currant & meaning of the Law & Incongruous of it Selfe to have the same psons Judges in the provin^l Court & also Judges in Covncill for the Nocōn of appeareing or Writts of Error is to Except ag^t the Judgm^t of them Judges that gives Judgm^t and appeale to Other Judges in a Superior Court w^{ch} p. 20 playnely Supposes different psons.

This is our p^sent Oppinion of the Matters abouesaid To w^{ch} (with Submicōn to better Judgments) We subscribe

Yo^r Excellencyes most humble
and ffaithfull Servants

Robert Smith
Kenelm Cheseldyn
George Plater
Edw: Boothbye
Will^m Dent
Philip Clarke

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Adjourne till to Morrow Morning