

posed would be great, and the Loss of the Seals trifling, if the Loss of the Fees would be trifling to the Chancellor the Payment of them would be trifling indeed to the whole Province but the Principle of the Regulation gives the Alarm.

U. H. J.
Liber No. 36
Dec. 18

We are inclined to believe that his Excellency the Governor is, merely in respect of his Personal Advantage, very little Sollicitous about the Income from the Seals in this Instance, but this is not the Consideration, for the Office of Chancellor, in this Province, is entirely Supported by the profits of Seals to Patents, Writs, and to other Process, and he will think it his Duty to preserve them unimpaired, and not to Submit to any Attack upon them in one Instance, which, proving Successfull, might Countenance it on other Occasions, when the Pretence of Publick Convenience might be assumed to Cover the Design of Striking at the Support of a Constitutional Important Office.

The Support of the Chancellor in England doth not depend upon Fees for Seals to Writs, or other Process, and there seems to us to be as little Reason to deprive the Chancellor here of any part of the Provision, Established for his Support, because the Chancellor of England has it not as on the other hand could be advanced upon a Demand of a Provision here on the Ground that the Chancellor of England has it there

It is very true, that, by the Statute of Marlbridge, in the Case of Distress, the Sheriff on Plaint, may make Replevin to be entered in the Petty County Court incident to his Jurisdiction, but, as where he proceeds upon Writ of Replevin which Issues out of Chancery, on any Contest between the parties, the Cause is generally removed by another Writ out of Chancery to Westminster Hall, so, in the Case of a Plaint under the Statute the Removal to Westminster by Writ of Record are out of Chancery generally happens when the Cause of the Replevin is Disputed, and, if the Person out of whose Possession a Chattel is to be taken by the Replevin Claims Property in it the Sheriff is Stopped from further Proceedings till the Writ de Proprietate probanda is purchased. On what has been Suggested, and Considering what would be the Operation of the Bill, if passed into a Law without Our Amendment, it appears to Us that the Chancellor here would be totally deprived of the Profit from the Seals, tho on every Writ of Replevin in England the Seal is used at least once, frequently more than once, and on Plaints in Pursuance of the Statute of Marlbridge the Seal is always requisite in the Removal thereof, for Notwithstanding a Provision is made in the present Bill for the Removal of Replevins from the County Courts, Yet they being Courts of Record, the Removal would not be by Writ out of Chancery, and therefore, if Regard is to be had to the Practice in England, and an objection is valid when such Regard is not