

Warrant them - And as before
 with 4. 15. by the same for they are not
 fundamentals the law is wide because their
 Authority likewise was declared by the Protest
 they Decreed in not requiring the members to be
 Heretics declared by the first four years as for
 re. And therefore it was the Gift of King Edward
 Injunctions a Civil Justiceary done. It were
 able to Judge as well of that fact as their au-
 thority to Injunctions. But as to persons in the
 contempt of the Decrees of the High Court of
 Chancery being bayled out this year by our
 Justice. I know no precedents, tho. I must ac-
 knowledge the Judges of the said Courts of Com-
 Law have resolved to bayle on contempt in
 not obeying Injunctions and Executions where the
 Complainant had remedy at Common Law or where
 barred by Stat. of Premunire to recover their
 Judgment given in the said Courts. Yet note -
 that where any such Warrant have been
 It was not. Car. & non est in Capital Justice. -
 As to this particular case surely Mr. Smithson
 never understood its Circumstances, for which I
 reflect that the Court of Chancery in England has
 power to relieve in any case where the Common
 Law is defective, certainly in this new settled
 Province where there is no Stat. to prohibit
 Her Majesty's being also Supreme as well in
 spirituals as Temporals and no Bishop's Court
 settled. His Excellency the Governour as keeper of the
 great Seal might decree the woman driven
 from her husband propter Scabitiam & rixam
 Excessus & temeritas tho. with great Diference
 and respect to the Bishop he has not thought
 fit to intermeddle with any order of Dioc.