

The Sheriffs within this Province have at All Times been executive rather than judicial Officers; nor does it appear, that they have had Cognizance in a judicial Way of Replevins.

The County Courts are held within this Province, wherein the Justices of the Peace within each respective County are Judges, and are Courts of Record, having a Clerk; and in such Courts the Sheriff is but an executive Officer—All Actions popular, and all Actions personal, of what Sort soever, are tryable in the same Courts, under the Value of 100 *l.* Sterling, or 20000 *lb.* of Tobacco; as by the Commission and Acts appear.—The Clerk of the same Court makes out Writs in all such Actions as aforesaid, within the Jurisdiction of the Court aforesaid, and under the Seal thereof.

Your Committee humbly conceive, that upon complaint to the Sheriff, that the Goods or Cattle of any Person have been distrained for Rent, or otherwise; such Person tendering good and sufficient Surety, to the Value of the Goods or Cattle distrained or taken, to return the same or the Value, with Costs; such Sheriff ought of Right to deliver, or cause to be delivered to such Person, his Goods and Cattle so taken or distrained, and return to the next County Court such Cause of taking, together with the Security taken, for Prosecution of the Suit, or redeliver'd, &c.

Your Committee likewise humbly apprehend, that from the Nature of the said County Court, the Matters tryable therein, the Oath of the Judges to hear and determine according to the Laws, Customs, and Directions of the Acts of Assembly of the Province, so far as they provide; and where they are silent, according to the Laws, Statutes, and reasonable Customs of England, as used and practised within the same.

That there may be a great Failure of Justice, and attended with evil Consequence to his Majesty's liege, loving, and dutiful Subjects, the Inhabitants and People of this Province; if a Writ of Replevin, as well as other Writs for Matters cognizable in the said County Courts, may not be made out by the Clerks of the same Courts.

And it seems inconsistent with common Sense and Reason, that the same Clerk should have Power to make out a Writ or Process, to restrain the Liberty of Man, and not that of reclaiming his Goods or Chattels wrongfully taken or detained.

Your Committee humbly conceive, that in order to avoid any Doubts which may arise, concerning the Right of the Subjects to have such Writ made out by the Clerk of the County Court, notwithstanding the Reasonableness of the Case, That an Act should pass the Legislative Power to that Purpose, for the Ease and Security of his Majesty's Subjects.—But is humbly submitted to the Consideration of your Honourable House.

Signed per Order, *V. Denton*, Clerk.

With which the House Concur, and referred the same to the Consideration of the next Assembly.

The House taking into Consideration the Report from the Committee of Laws relating to Salt, Concur therewith, and referred the same for Consideration the next Assembly.

*Mr. Addison* hath Leave of the House to go home.

*The House adjourns until 2 of the Clock in the Afternoon.*

*Post Meridiem.*

The House met according to Adjournment.

The following Message, *viz.*

By