

15 J. 9.

THE
Accomplish'd Practiser
IN THE
High Court of Chancery.

S H E W I N G

The whole Method of Proceedings, according to the present Practice, from the Bill to the Appeal, inclusive.

C O N T A I N I N G

The Original Power and Jurisdiction of the Chancery, both as a Court of Law and Equity; the Office of the Lord Chancellor, Master of the Rolls, and the rest of the Officers:

A L S O

The best Forms and Precedents of Bills, Answers, Pleas, Demurrers, Writs, Commissions, Interrogatories, Affidavits, Petitions, and Orders:

T O G E T H E R W I T H

A LIST of the OFFICERS and their Fees:

L I K E W I S E

Other MATTERS useful for PRACTISERS.

By JOSEPH HARRISON of Lincoln's Inn, Esq.

The SEVENTH EDITION, (being a new one) upon a Plan different from that pursued in the former Editions of this Work; with all the Practice enlarged under every Head, and an addition of Precedents of all kinds; the Proceedings upon a Commission of Lunacy; with additional Notes and References to the Ancient and Modern Reports in Equity.

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Of Lincoln's Inn, Barrister at Law.

I N T W O V O L U M E S.
V O L. I.

L O N D O N:

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1790.

So if a bill be touching titles of land, not more than six acres, and not of the yearly value of forty shillings, upon shewing this to the court by affidavit, the cause will ordinarily be dismissed. Mof. 356.
Toth. 30.

But it is said, that if the bill be for rent service, though ever so small, the court will hold plea of it, because the land (which is of greater value) may escheat. Pract. Reg. 227.

So where a suit was for the benefit of the poor, it was returned here, though under forty shillings *per annum*. Cary's Rep. 147.

O F T H E

Officers of the Court of Chancery.

And first of the Lord Chancellor.

THE Lord Chancellor (*à cancellando*, from his power to cancel letters patent, being the highest point of his jurisdiction), or Lord Keeper, is the chief judge of the court of Chancery. 4 Inst. 84.
88. Lamb.
Arch. 48.
Ellef. Obs.
Office L. C.
45. Crompt.
Jur. 41.
Rot. Parl.
14 Edw. 4.
No 26.

This is an office of the greatest weight and power, and requires not only the most uncorrupted probity, but consummate abilities, penetration, and discernment; and it may so far be traced up into ages past, as to discover, that it has still been an office of the first rank; and the *Romans* called him that had such an office under their Emperors by the name of *Quæstor Sacri Palatii*, and he was to be profoundly skilled in the divine and human laws, that so he might be able to explain them for the people.

With regard to the antiquity of this great officer, it is observable, that both the *British* and *Saxon* Kings had their Chancellors; and *Dugdale* mentions the names of such Chancellors as he could meet with from good authorities, throughout the reigns of the successive Kings of the *Saxon* race, until the *Norman* conquest: of these *Unwona* is the first, who is styled *Cancellarius* to *Offa* King of the *Mercians*, who began his reign in the year 758. 4 Inst. 84.
Dug. 33.
Jan. Anglo-
rum, 127.
Mat. Paris,
in Vit. Abba-
tum, p. 22.
n. 10. and p.
23. n. 20.
The anno 758.

The election or creation of Chancellors, and Keepers, was anciently of more than one sort, and also of men of divers degrees and qualities.

I shall not enter into a long discourse of those distinctions that have been taken notice of by some authors, with respect to the office and authority of the Lord Chancellor and Keeper: for all questions are now taken away by the statute 5 *Eliz.* and at this day there being but one * great seal, there cannot be both a Chancellor and a Lord Keeper of the great seal at one time, because both are but one office, as is declared by the said act: and the taking away the seal determines the office.

4 Inst. 88.
1 Sid. 338.

The constitution of Chancellor hath been of two sorts, viz. by letters patent, which hath been but rarely used; and by delivery of the great seal, which delivery is to be entered upon record; wherein it is to be observed, that the Keeper of the great seal had the seal delivered in divers manners. It was delivered to the Chancellor by the King, and immediately he took an oath, for the faithful exercising the office of Chancellor, and then he sealed writs therewith alone; and it was delivered to the Keeper without oath, and therefore he did not commonly seal therewith, but in presence of some of the Masters in Chancery.

4 Inst. 87.

And for the most part our Chancellors have been chosen by the King *durante bene placito*, and put in possession of their office by the delivery of the seal; though it is said, that in the time of King *Hen. 2.* the manner of ordaining a Chancellor, was by hanging the great seal of *England* about the neck of the Chancellor elect.

Camb. 131.

The Chancellor hath two powers, one ordinary, the other extraordinary. In his ordinary power, he holds plea of matters according to the course of the common law; and in the extraordinary power, he judgeth according to equity, moderating the rigour of the common law, and governing his judgment by the law of nature and conscience; ordering all things *juxta æquum et bonum*: and having the King's power in these matters, he hath been called the keeper of the King's conscience.

2 Inst. 552,
3. 4. 4 Inst.
78, 9. *L-v.*
242. *Sed vid.*
Lamb. Ar.
62, 3. *Dug.*
36.

With regard to the commencement of his equitable authority, it seems to be untraceable, and to have prescription for its parent.

* King Henry 5. had two great seals, one of gold, which he delivered to the Bishop of Durham, and made him Lord Chancellor; another of silver, which he delivered to the Bishop of London to keep. And note, that historians often confound Chancellors and Keepers together.