

Merits of the Cause but may admit of a Dispute till the same be better explained by a Law of this Province, which to avoid many unnecessary Delays and Expences in Suits at Law is very much Desired as conducing much to the Quiet ease and Good of the Province in General but to the end an end may be put to these Suits now depending this house do Declare that they shall be willing to hear the said Errors if the Parties on both Sides or their Attorneys will by their Consent under their hands agree to refer the whole matter upon the said Errors in relation to the Merits of the Cause and the right of the Nature of the Suit to this house Waiving all formalities of errors in Proceedings and other Misprisions in Point of Practice whatsoever, this house not being willing to hear and Determine the same otherwise and this house doth Declare. and so Order that untill a Law be made for Directing how Writts of Error shall be brought from the Judgment of the Provincial Court and a statute of Jeffailes made, No Writt of Error shall hereafter be brought against any Judgment in the Provincial Court or any Judgment there Stayed or Superseded by any Writt of Error returnable in Assemblies till such Law made. But that if any Person find himself Aggrieved by the Judgment of the said Court he shall move the Court to Arrest the Judgment till the next Court and within a Fortnight after the Court file his Errors and reason for the Arresting the said Judgment to which the other side is to Answer by the next Court, and if the Judgment be Affirmed the said Party that Arrests the Judgment shall pay Increase of Costs & Damages for the Arresting the Judgment, and the Delay of Execution as the Court shall see requisite and according to Justice, and if the Judgment for the reasons aforesaid be set aside the Party whose Judgment is Stayed or set aside shall pay costs also, and from the said Judgment of the Provincial Court upon Debate of those reasons and Errors there shall be no further Appeal or Stay by Writt of Error brought or Superseded as whatsoever till the same be further Settled by a Law as aforesaid, and this house will appoint the Second Tuesday next meeting to hear the Errors aforesaid, and the Attorneys are forthwith to enter their Assents in writing with the Clerk of this house and the Party refusing to Consent as aforesaid shall be Dismissed this house with Costs and that this Order be Entered in the Journall of the Lower house to Secure the Proceeding of the Provincial Court till next Meeting of this Assembly. and this house further desire the Concurrence of the Lower house in the Assents Mr. Robert Farvile, Mr. Henelm Cheseldyne, Mr. John Rousby, and Mr. John Burge or any three of them to prepare an Act for Jeffailes at the next meeting of this Assembly.

Signed G. Order G. John Lewellin G. Council

The foregoing Message relating to the Tryall of Writts of Error this house sent to the Lower house G. Captain Digges —

A Message from the Lower house G. Mr. Hill and Mr. Robinson may return his Lordships thanks for his favour in a Message sent them by John Lowe that the Errors depending should not come to Tryall this Assembly also the Message in Writing as Vis.

Lower house of Assembly November the 3th 1681