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The Justices of the Provincial Court & Lawyers being sent for came, to whom his Ex^{ncy} is pleased to put the Question, how Matters in the Tryall of Titles of Land shall be Regulated, Viz^t that the Sherriffs & Surveyo^{rs} may not be objected against without some legall Exception, and th^t the Lawyers would give their Opinion whether the Provinciall Court can make a Rule that the Juries summoned & sworn vpon such Matters may (after the Runing out of the Land &c^a) be confined in some particular place & kept together from fire & Candle vntill they have Agree'd of their Verdict, the which to be put in Writing vnder their hands & Seals & close sealed vp, and delivered vnto the Sherriff of the County in Ord^r to be given to the Clerk of the Provinciall Court, and not to be broke open till the Tryall.

That the Provinciall Court be Adjourned vntill the last Tuseday of September, at the End of which, another Court to sit so many days for hearing all Matters of Law.

Ordered that the R^t hono^{ble} the Lords of the Committee of Trade & forraign Plantations be humbly supplicated that they would please to give directions how Attaints may be brought ag^t Juries in this Countrey and if to be done, by what Rule they may be brought.

How matters of fact vpon Appeals brought before the Governo^r & Councill may be tryed; And when an Erro^r in ffact is Assigned vpon an Appeal or Writ of Error brought to a Superiour Court, before whom such ffact is not cognoscible, what course shall be taken to Trye that Matter of ffact.

Ordered that the aforegoing Quæries be put to the Lawyers of the provinciall Court for them to make Return of their Opinions therein as likewise make Answer to the following Case put, Viz^t

Edward Randolph Esq^r Qui tam Agts John Blackmore & the ship Ann
Vpon Appeal from the provinciall Court to the Govern^r & Councill; the Error in Law Assigned, was that the Bond taken for the s^d ship being an illegall Bond the provinciall Court Judgm^t ought to be Reversed; therevpon the Council for the King moved whether the Reversall of that Judgm^t might not be deemed condemnation of the ship, producing some Authorities; But the Defendant Arguing that there being matter of fact to be decided, Viz^t whether the ship tooke in Tobacco before Bond given, therefore ought not to be condemned before th^t matter of fact is tryed.

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Ordered that the Attorneys Return severally their Opinion therein in Ord^r to be sent for England.