

Lib. H. D. adjourned to yo^r Ex^{ncy} may legally Appoint a time for the Setting thereof without discontinuance of the Process.

George Plater

June the 8th 1697.

May it please yo^r Ex^{ncy}

p. 501 I have Reconsidered the matter Referred by yo^r Ex^{ncy} and Councill whether the Provinciall Court may be legally Called Soon^r than the time to which the Same is adjourn'd by the hon^{ble} the Justices of the Same Court &^{ca} The Law is Clear that the King may by his Writ of Adjournm^t directed to his Justices Adjourn the term from one Return to another, and so from term to term but not otherwise; but if the Justices without the Kings Writ do Adjourn the term from one Return to another, the King cannot then Cause the term to begin sooner than the time of adjournm^t

And in this particular Case a New Commission cannot give Power to the Justices to Trye those Causes that are now depending at any time Sooner than the time to which they and all their Appendages were Adjourn'd; and if a new Commission be granted to Sit Sooner than the time of Adjournm^t then at the time of the Swearing the s^d Comm^{rs} all the adjourn'd Pleas and process will be discontinued; and there is not any Remedy in as much as a day ffixed cannot be made to Come Sooner than it would do by the Regular Ord^r of Nature; and the Law doth greatly respect the Ord^r of Nature; this I do humbly Submit to yo^r Ex^{ncy} upon my Second Consideration of this Case retracting my former Opinion upon better Consideracon

Yo^r Ex^{ncys} humble Servant
R: Gouldesborough

I have also Reconsidered of the former Report and the Matt^r of Law in the premises and Agree to this Opinion.

W^m Dent

George Plater

At a Councill held &^{ca}

June the 7th 1697.

Present

His Ex^{ncy} ffrancis Nicholson Esq Cap^t Gen^{ll} &^{ca}.

S^r Thomas Laurence Barron^t Secry^r }
Coll: Henry Jowles }
Coll: Nich^o Greenberry }
Coll: Charles Hutchins }
Coll: John Courts }