

Lib. H. D. M<sup>r</sup> West being thought to be a capable person for th<sup>t</sup> Employ is asked if he is willing to accept thereof. who says he is willing and ready & thereupon is accordingly admitted.

Produced & read a Return of Som<sup>r</sup>sett County Justices dated 15<sup>th</sup> of Septemb<sup>r</sup> last past in relation to a new Com<sup>i</sup>ssion of the Peace sent to th<sup>t</sup> County, setting forth th<sup>t</sup> the same having been read in Court, and it falling so out that two of the Persons to whom the dedimus was directed; Viz<sup>t</sup> Leiu<sup>t</sup> Coll Jn<sup>o</sup> Winder & M<sup>r</sup> John Woolford lay in such weak condition that they could not attend the Court and th<sup>t</sup> M<sup>r</sup> Thom<sup>s</sup> Dixon a third person mentioned in the Dedimus was pressed upon & desired by the Court to attend the s<sup>d</sup> Coll Winder at his house, the Court before the s<sup>d</sup> Com<sup>i</sup>ssion was read in Ord<sup>r</sup> to get sworn, pursuant to the s<sup>d</sup> Dedimus, but failing therein, the County seems at present to be without any Justices.

Ordered thereupon th<sup>t</sup> the s<sup>d</sup> return together with a paper presented by the s<sup>d</sup> M<sup>r</sup> Dixon in relation thereto, and the s<sup>d</sup> Com<sup>i</sup>ssion here produced & Read be referred to the Kings Lawyers for them to make report what is most proper & best to be done in this case & returne their opinion, accordingly unto this Board w<sup>th</sup> all possible speed; and further th<sup>t</sup> they advise whether it may not be proper (for the future) to have the Dedimus run generally directed to the next Iustice, in case of sickness, throughout the whole Com<sup>i</sup>ssion.

Octob<sup>r</sup> the 13<sup>th</sup> 1697.

Produced & read a Report of the Kings Lawyers, touching Som<sup>r</sup>sett County Commission as follows Viz<sup>t</sup>

Octob<sup>r</sup> 13<sup>th</sup> 1697.

May it please y<sup>or</sup> Ex<sup>ncy</sup>

Ive considered the case of the Iustices of Som<sup>r</sup>sett County; My Opinion thereon is that by the Publick reading of the new Commission, the old one was determined, and they not swearing upon the s<sup>d</sup> Com<sup>i</sup>ssion had not any power to make any adjournment & therefore all writts Process & Actions then depending were & are discontinued and cannot be restored by any other way than by an Act of Assembly.

That as to the Com<sup>i</sup>ssion the best method will be to send it back with such alterations as to the names in the Dedimus as y<sup>or</sup> Ex<sup>ncy</sup> shall think meet to be executed in Novem<sup>r</sup> next being the time appointed by Act of Assembly to hold Courts.

That it may be proper for the future to let the Dedimus