

day of the same month Anno Domi Seventeen hundred and twenty three to hear their Judgment of and upon the premisses for that his said Lordships Court of Appeals and Errors thereof are not as yet advised.

At which said Seventh day of May last mentioned Before his Lordships said Governour and Council as well the said Jonathan Forward by his Attorney as the said Gilbert [546] Powlson by his Attorney

Whereupon all and Singular the premisses by the Court now here being seen and fully understood and deligently Examined and Inspected as well the Record and process and the Judgment thereupon rendred as the Causes and matters above by the same Jonathan for Errors Assigned for that it seems to his said Lordships Court now here that neither in the Record and process nor in rendring the Judgment it is in any wise Erred and that Record in nothing is vicious or Defective in Law. It is therefore Considered that the Judgment in every thing be Affirmed and stand in it's full force and Effect the Causes and matters for Errors above assigned in any thing Notwithstanding And it is further Considered by his said Lordships said Court now here that the Gilbert Powlson recover against the said Jonathan Forward to the said Gilbert by the said Court now here of his assent adjudged According to the forme of the Statute thereof lately made and provided for his Costs and Charges sustained by reason of the delay of the Execution of the Judgment by pretext of prosecuting his said Lordships Writt for Correcting of Errors and that the said Gilbert Powlson have thereof Execution etc:

Whereupon afterwards on the tenth day of May Anno Domi Seventeen hundred and twenty three in the same Court or Term the said Jonathan Forward by his Attorney prays an Appeale from the Judgment of this Court so as rendred to the King and Council which is granted upon giving Security for the due prosecutin on [sic] thereof according to Law.

Whereupon the Defendant in Errors by his Council here Humbly prays it may be Entered on his [547] behalf by way of protestation against the said Appeale—in manner wherein it is pray'd That he Conceives the Constitution of this Province and the Judicature thereof to be by it's Charter conform to that of the County Palatine of Durham and that all appeales to be made from hence ought to be made to such Judicatures as Writts of Error in or from the said County Palatine are returnable to that therefore such appeale ought to be to the Prince of the Palatinate and if Occasion of further Appeale from his Judgment to the Kings Bench etc: wherefore the said Defendant prays that all benefitt of Exception to the manner of the said Appeale may be to him hereafter reserved.

The Court Adjourns untill to morrow morning Saturday May the 11th 1723 The Court meet according to Adjournm^t Present as yesterday

Thereupon afterwards in the Same Court or term Mess^{rs} Thomas