

The hon^{ble} James Frisby is of Opinion that the S^d reason Assigned for Error is not good for that the goods being in the Possession of Miles Burrough dos therefore adjudge the Action to be well brought.

The hon^{ble} Col^l George Robotham and S^r Thomas Lawrence are of the Same Opinion.

The hon^{ble} Thomas Brook Esq^r dos adjudge the S^d reasons af^d Assigned for Error to be good.

The hon^{ble} Charles Hutchins is of the Same Opinion with Esq^r Brook

His Excellency the Governo^r dos adjudge the S^d Reason Assigned for Error to be good for that the Matter of fact being put to a Jury was found Accordingly and a Case Pertinent to this Produced by the p^lts but Case Shewed by the Def^t Seem'd to be forreigne to the Matter and not good Authority.

The Attorney for the p^lt humbly moves and desires to know (Considering the Court is Divided in their Opinion, whether his Excellency have not a Swaying Voice who is pleased to Say that he believes not. Whereupon it is desired by the p^lt that time may be given him to Shew Some Authority for the Same and that he may have the Liberty to peruse his Ex^{cy}s Commission [81] for the Government who is told that he may have recourse to the Same in the Secretarys Office

The defendant also Craves leave to have the Said matter argued Next Court which is Accordingly Granted

Att a Court held before his Ex^{cy} the Gov^r and his Matys hon^{ble} Council for hearing Appeals and Writts of Errors etc. Mett and held att the porte of Annapolis the 31th day of October 1698 in the 10th year of his Matys Reigne etc.

Present: his Exc^{cy} Francis Nicholson Esq^r Cap^t Gen^{ll}; Coll^o Charles Huthins; Col^o John Addison; Thomas Brooke and James Frisby, Esq^{rs}

Miles Burroughe ag^t Gov^{tr} Copleys Adm^r

The third reason Adjudged to be Good by Esq^r Brook Esq^r Frisby Col^o Courts and Col^o Addison

Wherefore it is Considered by the Court here that the Judgem^t of the Provincially Court as af^d Given against the Said Miles be reversed and Sett aside for the reason af^d as Vicious and Eroneous. and that the S^d Miles Burroughs be to all things he hath Lost, restored.

[82] Blakiston's Adm^r v Go[v]^r Copleys Adm^r

In the Records of the Provincially Court amongst other things is thus Contained. Viz^t:

William and Mary by the grace of God of England Scotland France and Ireland King and Queen Defenders of the faith etc. to the Sherriffe of Ann