

giving Security to prosecute the Same [88] According as the Law in that Case requires.

Then Came into Court the af^d Thomas Tench and John Edmundson his Security and became Jointly and Severally Bound to the s^d Elizabeth Blakiston Adm^{rx} as aforesaid in the Summe of Two hundred pds Sterl Conditioned That if the Said Thomas Tench Adm^r of the Said Lyonel Copley Esq^r deceased Should prosecute his Said Appeale before his Excellency the Governo^r and Councill with Effect that then the Same Obligation or Recognizance to be Voyd.

True Copy Chr: Gregory Ck

Thomas Tench Esq^r Adm^r of the goods and Chattells of Lyonel Copley Esq^r dec^d ads Elizabeth Blackiston [als] Rymer Adm^{rx} of the goods of Nehemiah Blackiston dec^d

Reasons Exhibited for the def^t Thomas Tench his Appeale from the Judgm^t of the Prov^l Court against him Given.

The Said Elizabeth Adm^r of the goods etc. of Nehemiah Blackiston deceased brought her writt of Quominus ag^t the Said Thomas Tench Adm^r of the Goods of Lyonel Copley Esq^r deceased and declares ag^t the Said Thomas Tench Adm^r afores^d for 134^l-11^s- $\frac{1}{4}$ ^d and 12000^t of Tobbacco to this Suite the Said Thomas by his Attorney Appeared in the Provinciall Court etc.

The Record Sett forth the writt of Quominus, the Test whereof bears date the 15th day of May 1694 returnable the first Tuesday in October then next Ensuing and the record Saith, which s^d Prov^l Court was adjourned to the 6th day of November following On w^{ch} Said 6th day of November the Sherriffe made returne of the Said Writt. It doth not appear by the Record who did Adjourn nor by What power or Authority or att what time the Adjournm^t of the Said Provinciall Court was made nor whether the Same done by Writt or by Common Course of Law from Court to Court nor whether by the said Adjournm^t all Writts pleas and process were thereby adjourned or Not all which ought in a Speciall Manner to have been Entred upon the Record and to have Appeared Accordingly [89] And this not being done Cannot now be holpen unless by an Act of Assembly and therefore the Omision thereof hath rendred the Proceedings in this Case manifestly Vitious and Erroneous.

2 The Record Setts forth That the def^t Came by George Plater his Attorney etc. and prayed Liberty to Imparle untill the next Court etc. the Same day was given to the p^t also att w^{ch} next Court Viz^t: the 13th day of August 1695 Came as well the Said Elizabeth Blakiston by Philip Clark her Attorney as the S^d Thomas Tench by William Dent his Attorney and prayeth further Liberty to Imparle etc. It doth not Appear by the Record that there was any Court when the def^t Appeared and Imparled; nor doth it Appear that there was any Continuance of this Cause from 9^{br} 1694 to May Court 1695,