

is to Say the party Appellant Should Procure a Copy or Transcript of the full proceedings of the Said Court from whence Such Appeale Should be made under the hand of the Clk of the S^d Court and the Seale of the Same and Should Cause the Same to be Transmitted to the Provinciaall Court then Next Ensuing and Should also att the Same Prov^l Court file in Writing According to the Rules of the prov^l Co^rt Such Erro^{rs} in the Said proceedings as he Should think fitt to Assigne or Such Causes or Reasons as he had for Making the Said Appeale Whereupon and upon the Said Transcript the Provinciaall Court Should proceed to give Judgment as in Cases of Writts of Erro^{rs} as by the Said Act of Assembly may More att Large Appear And the Said William in fact Saith that it Appeareth by the Transcript of the Record of the Said County Court that the Said Cause in the Said County Court was tryed upon the Second Tuesday in November 1685 being the 12th day of the Same Month and the Said Thomas Tench did there Crave an Appeale to the Prov^l Court w^{ch} was granted giving Such Security as the Law in that Case required and thereupon the S^d Thomas Tench with M^r Robert Connant and M^r James Smith Came there into Court and bound themselves in the Summe of four Thousand four hundred and Sixty Eight pounds [104] of Tobbacco to be paid to the Said William Hopkins if the Said Tench Should not prosecute the Said Appeale att the Provinciaall Court to be held in Febry Next following because it was uncertein to have the Said Whole proceedings returned to the Prov^l Court to be held in November being So Nigh the Adjournm^t of the County Court And he further Saith that the Next Provinciaall Court after the Said Appeale was held att S^t Marys the 26th day of November 1685 aforesaid And the Said Thomas Tench ought to have pursued the directions of the Said Act of Assembly to have given Bond not only to prosecute his S^d Appeale with Effect at the next Prov^l Court and also Satisfy and pay to the Said William Hopkins his heires Ex^{rs} Adm^{rs} or Assignes in Case the Said Judgm^t Should be Affirmed as well all and Singular the Debt Damages and Costs Adjudged by the Said Judgment as also all Cost and Damages that Should be awarded by the Prov^l Court for the Same delaying of Execution according to the Expressed Directions of the Said Act And the S^d County Court could not dispense with the Same but according to the Words of the Statute And he further Saith that the next Prov^l Court was held the 23^d day of February following att which Court the Said Thomas Tench or in the Court before did not file in Writing any Erro^{rs} in the proceedings af^d According to the Rules of the Provinciaall Court or Any Causes or Reasons for his Appealing as af^d Whereupon the Prov^l Court Should proceed to give Judgm^t as by the Said Act is directed nor was the Said reasons or Errors filed till the 28th of Aprill 1686 So that thereby the Appeale is discontinued And the Justices of this Court have no power to proceed upon these Appeals by any other Law then by the Said [105] Statute Or Act of Assembly by the Express words whereof they are directed And this being a New Law Shall not be Extended