

Simultaneously, or within a short time after the writ of error was issued, the plaintiff in error filed his assignment of errors. This was also required, either in the customary form, or more informally as "reasons for appeal", when the writ of error was dispensed with. It was sometimes, in the earlier period, compelled by special order, upon motion; and in 1712 a standing rule was adopted, "that all errors or reasons in appeal to this court be filed in six weeks after return of writ of error or appeal brought, or the action abate; and ordered accordingly." These errors or reasons were specific and informing during the first part of the eighteenth century, but a general, perfunctory form, customary in England, later became customary here. One of the more specific forms is selected from a cause of much local celebrity in its time, that of Edward Randolph, Surveyor General of Customs in North America, on appeal from a judgment in favor of John Blackmore, mariner and commander of the Ship "Ann", in an effort to enforce the trade and navigation acts.²² It is typical.

This said judgment is erroneous in this, that the said Randolph having informed against the said ship upon a certain clause of a statute made in the twelfth year of King Charles the Second which says that all ships coming into any of the English plantations from any port besides the ports of England, Ireland, Wales, or the town of Berwick upon Tweed, the Governor of such plantation shall before the said ship or vessel be permitted to load on board any of the commodities of such plantation take sufficient bond with one surety that such ship or vessel

22. H. D. No. 1, fol. 14 and 15. The Governor and Council not only reversed the judgment of the Provincial Court, but consulted the lawyers on attaint of juries. In July 1697, Governor Nicholson wrote home that he could not get ships condemned in the common law courts because juries would not find for the King.