

January 2

James Neale

came into the Court (Court of Admiralty) against Leonard
 the son of Leonard & John Langford Esqrs, for libel against the
 April last did issue 3 bills of excommunication, upon the 21st of the
 Proprietary of the Province being present in England payable after
 30 days sight to the order of the said bills being presented to
 said Esqrs. James Grant of St. John's London just, as the amount of the demand
 is £2 refused to accept of the same; and the said bills to be protested in
 the Court, whereby the plaintiff must receive the said amount of the damage of the
 to the value of 400. sterling. and for the said bills to be protested in
 against all the lands, goods, & chattels of the said Leonard &c. to the value of the same

whereupon the defendant craved judgment of the Court whether in regard of
 the said mandata he should be allowed to proceed against the goods &c. of the
 and the said John Langford alledging that he ought not to be indigent in the cause, being
 sole a party in it, the defendant craved judgment of the Court whether the said
 Langford & James Neale, by virtue of the said bills, to give him & his full Commission
 in the cause.

There is a Law of the Province in these words: [The Judge in all causes shall
 give the order as are or shall from time to time authorized by the
 by Commission &c. Provided always that in all causes for which no certain
 rule &c. is provided &c. the Judge shall use the Lord Proprietary's
 is advised by the Lieut. Gov. & the Council of the Province &c.]
 during the Law, the said John Brent is confirmed by the Commission
 Lieut. Gov. with a clause for restraint of the power to grant process &c.
 the cause
 the demand is, whether the said John Brent be authorized & obliged by the
 said Law to allow such process, action & process, now demanding
 of him, or whether the authority of Lieut. Gov. as to the cause be restrained
 in Law, by virtue of the said Commission.

And the said John Langford said that his opinion was that the Commission
 as yet is not sufficient to that Law, it is at the present a Law of the Province, by virtue
 whereof, the office of Lieut. Gov. (with such latitude but not in indivisible, &c.)
 the said Commission confirmed to him the said John Brent, whether it is indubitable & int
 to restrain the power of it as to the cause) only an authority & obligation to
 insist without delay, in the cause, as well as in all other, independent of & notwithstanding
 any Commission or mandata otherwise, or to the contrary; and therefore the
 was to allow process to the plaintiff.

And the said James Neale said, that his opinion was, that the Commission
 authorized or of indubitable & int as to the cause; by virtue of the said Commission
 is taken away, notwithstanding any Law or act to the contrary; and therefore
 advice was not to allow process to the plaintiff, till further order from the Court.
 And the Lieut. Gov. after a review taken of the case of Lieut. Gov.
 and that according to the meaning & spirit of the said Law, he found himself bound to grant
 the said cause, notwithstanding the mandata to the contrary. The Law