

(When the matters shall in a regular equitable way or brought before them by
 King's Injunction or Petition and not otherwise And this we say because we
 are not Unanimously Agred wth of the Dico is most Agreeable to the Current
 of Law and constitution of this province - And wee humbly signify
 that we take it to be Against the Current and y^e Meaning of the Law and
 incongruous of it self to have the same persons Judges in the Prov^l Court
 as also Judges in Councill for the Motion of Appealing or Writts of Error
 is to except Against the Judgm^t of these Judges that gives Judgm^t Appealable
 to other Judges in a Superiour Court w^{ch} plainly supposes different persons
 this is our present Opinion of the Matters above said to w^{ch} wth Submission
 to better Judgments wee subscribe

Sept^r: the 26th - 1694

Jo^h - Exec^{noy} - most humble & faithfull Servants

- Rob: Smith -
- Honolom Cheselgrove
- Geo: Plater -
- Edo Boothby
- Will: Dent
- Phil: Clarke

At a Councill held the
 October the 17th 1694
 Present.

Prov^l & County Courts
 regulated & Settled -

His Exec^{noy} Francis Nicholson - Esq^r and all the Members of their Maj^{ties}
 Hono^{ble} Councill except Esq^r Randolph.
 The Board proceeded to the Regulating and Settling the sev^l Courts =
 w^{ch} in this province and in order thereto were call'd what Lawyers were
 to be had for their advice about y^e same who accordingly came
 then produced and read a Prov^l Court Comission and Decimus where=
 upon his Exec^{noy} Demands whether that forme will Answer in all points
 enough, the w^{ch} in the Opinion of the Lawyers is said to be sufficient #
 Ordered that thereupon y^e Comission accordingly give w^{ch} a =
 Charge to be made to the Decimus to office the Judge of the sd Court to sub=
 scribe to the Test as well as take the Oath, And that six of the sd =
 and four more be sufficient Num^{ber} to hold Courts And on of the #
 Quorum, & ~~three~~ more sufficient Number to Adjourn the sd Court therein
 and thereby constituting & Appointing the following persons to be Judges
 & Justices of the sd Prov^l Court to hear & determine all Matters brought
 before them pursuant to the sd Comission

Whitehall

Provinciall Court Justices

- M^r Rob^t: Smith -
- M^r Rob^t: Mason -
- M^r John Watton -
- Col^l S^t: Leger -
- May^r: In^o: Diamond

- Cap^t: Rich: Hill
- M^r Tho^s: Fasker
- M^r Hen^{ry}: Lowe
- M^r W^m: Hatton
- Col^l: Wells

- Justices Appointed Viz:
- Quorum
 - Justices
 - May^r: Rob^t: King
 - M^r: John Pollard
 - M^r: Edo: Jones

Ordered