

Shall be prohibited & void with the Intensions for the sake of Justice
In your said Commission that said concern brought to be tried

Thomas Tench }
 } Will of Error
Wm Hopkins }

According to a preceptory Sub. of this Board made the 31st day of
May last came the said Thomas Tench by Edward Wynn Esq^r his Attorney
and prayed the hearing of the Error assigned in this Cause and that this
Board would proceed to a final determination of the Premises whereupon
Samuel Watkins Attorney of the said William Hopkins being called before
this Board to put in his Answer to the Error aforesaid exhibited by the said
Tench made his appearance and alledged as formerly on the said thirty
day of May ^{last} that he was not prepared to make any defence for that the Papers
relating to this Cause could not be procured to be had here this day and
therefore saith that he is not informed by the said William Hopkins of any
matter or thing to plead or give any Answer to the aforesaid Error in Case
thereof

Whereupon the said Edward Wynn Attorney of the said Tench humbly
moved this Board that they would give their final Judgment and deter-
mination of and upon the Premises

It is therefore Considered by this Board that for the default of the
said William Hopkins aforesaid the Judgment of the Provincial Court
heretofore given in this Cause and the Proceedings thereon be quashed Annul-
led and made Void and that the said Thomas Tench be restored to all Costs
and Damages heretofore sustained therein amounting to fourteen thousand
two hundred sixty and eight Pounds of Tobacco as judged by our Coun-
cil in Assembly for his Costs and Charges by him sustained and expended
for prosecuting hearing and determining the said Will of Error and that
the said Thomas Tench have execution for the same against the said Hop-
kins returnable to the next Provincial Court the first Tuesday in May
next

The Act for Ascertainning what Laws are Repealed &c delivered to Mr
Wynn the Attorney General to carry to the House and to let them know
that it is still the Opinion of this Board

..... that to remove all difficulties and for
the better Certainty of the Laws of the Province it were more proper that
all Laws heretofore made be in General Terms abolished and none in force
but what shall pass this Assembly

Captain Courts and Col^l Brown Ordered to Accompany the Attorney