hundred and Eighty Six came again the parties aforesaid by their attorneys aforesaid, Whereupon the process between the parties aforesaid was by order of the Justices aforesaid further continued on hearing suggestion of the parties aforesaid that Evidence was wanting from beyond sea untill the monday before the third tuesday of October next and the same day was given the parties aforesaid here and so forth, At which said Monday before the third Tuesday of October Seventeen hundred and Eighty Six came the parties aforesaid by their attorneys aforesaid, Whereupon the process between the parties aforesaid was by order of the Justices aforesaid further continued here on suggestion of the parties aforesaid that Evidence was wanting from beyond sea, untill the monday before the third Tuesday of March next and the same day was given the parties aforesaid here and so forth, — At which said monday before the third Tuesday of March Seventeen hundred and Eighty Seven came again the parties aforesaid by their attorneys aforesaid and hereupon the premises being seen and by the Justices here fully understood it does not appear that Samuel Gauques was was an inhabitant of this State, but on the Contrary it is admitted by the plaintiff that Samuel Gauques never was an Inhabitant of this State, Wherefore it is Considered that the aforesaid Samuel Wallis take nothing by his writ aforesaid but that he and his pledges of prosecuting be in mercy &c. And it is further considered that James Pearce do recover against the said Samuel Wallis, Three hundred and ninety four pounds of Tobacco for his costs and Charges by him about his defence in this behalf adjudged him by the Court now here of his assent and that he have execution therefor &c.

Ben Chambers Clk

The Counsel for the plaintiff prays an appeal, which appeal is granted and the Court order the Record to be sent up,

I do hereby certify that the above is a true Copy of the proceedings in the action aforesaid taken from the Records of Kent County —

In Testimony whereof I have hereunto set my hand and affixed the public seal of my Office this 24th day of September Seventeen and Eighty Seven

Seal of Kent Cty

Ben Chambers Clk K. Cty

At which said second Tuesday in September last, in the year Seventeen hundred and Eighty Seven, came into the General Court here as well the said Samuel Wallis by his attorney aforesaid, as the said James Pearce Garnishee of the

aforesaid Samuel Gauques by his attorney aforesaid, And the said Samuel Wallis by his attorney aforesaid said, that in the Record and process aforesaid and therein in rendering the Judgment aforesaid in this cause manifest error did, in this, to wit, that by the Record aforesaid it appears the Judgment aforesaid was rendered for the said James Pearce Garnishee, as aforesaid, against him the said Samuel Wallis whereby the law of the said Judgment might have been rendered for the said Samuel Wallis against the said James Pearce Garnishee as aforesaid and the said Samuel Wallis prayed, for that Error and others, in the Record and process aforesaid appearing, the Judgment aforesaid might be reversed annulled and for nothing held, and that he the said Samuel Wallis to all things which by Reason of the Judgment aforesaid he lost, might be restored, &c. And the said James Pearce Garnishee as aforesaid by his attorney aforesaid, said that in the Record and process aforesaid, and also in the Rendering the Judgment therein it is no error, and prayed the Judgment therein in all things might be affirmed, &c. And thereupon as well the said Samuel Wallis as the said James Pearce Garnishee as aforesaid by their attorneys aforesaid prayed that the Judges of the General Court now here would proceed as well to the examination of the Record aforesaid, as the matters alone for Errors assigned whereupon for that the Court here were not yet advised what Judgment to give of and upon the premises aforesaid, day thereupon was given to the said parties until the second Tuesday in April then next, to hear their Judgment of and upon the premises aforesaid, At which said second Tuesday in April, to wit, in the year Seventeen hundred and Eighty eight came here again the parties aforesaid by their attorneys aforesaid, whereupon this Cause being ready for trial it was ordered by the Court here that the same should be argued and the matters aforesaid Controverted fully discussed, as well on the part and behalf of the said Samuel Wallis as on the part and behalf of the said James Pearce Garnishee aforesaid by their attorneys aforesaid, before the Judges of this Court here on the second Tuesday of September then next ensuing the same day was given to the said Parties there and so forth, At which said second Tuesday in September last, in the year Seventeen hundred and Eighty eight, came here again the parties aforesaid by their attorneys aforesaid, whereupon further process of and upon the premises between the parties aforesaid with Consent of the said parties and their attorneys aforesaid and by order of the Court here therein was continued under the aforesaid rule of argument untill the second Tuesday in April then next following —