

this behalfe laid out and expended — And that the Said Thomas Tench may have thereof Execution.

Cop^a Per W: Taylard Clk.

And the Said Joseph Chew by Kenelme Chesledyn his Attorney cometh into Court here and Saith that in the Record and proceedings afore Said as also in the rendring of the Judgment afore Said against the Said Joseph Chew it is manifestly Erred in this.

1st That whereas the Said Thomas Tench upon the First day of June in the Year of our Lord 1692: had impleaded the Said Alexander Chappell in the Provinciall Court in an Action of Trespass upon the case for Scandalous words Spoken against the Said Thomas Tench by the Said Chappell It was So farr proceeded in the Said Cause that the Said Thomas Tench had upon the Sixth day of October 1692. recovered Judgm^t against the Said Chappell for 5000^{lb} of Tobacco damages and 2118^{lb} of tob^o Costs of Suit in all 7118^{lb} of Tobacco and thereupon the Said Thomas Tench upon the 11th day of the Same Month Octob: Sued out an Attachment directed to the Sherriffe of the County of Ann-Arrundell whereby he was Comanded that he Should attach any the Goods Chattells or Credits of the Said Alexander Chappell if they Should be found in his Baylewick to the Value of Nine thousand Four hundred and Ninety pounds of Tobacco which is 2372^{lb} of Tobacco more then the Summ recovered on the Judgment afore Said and So the Attachment for the Said Summ of 3490^{lb} of Tobacco: is not warranted [7] By the Judgment afore Said nor by the Law of this Province in the Said Attachment mentioned or any other Law whatsoever, For if an Execution doe issue out for more then the Judgment the Same is Void and Erronio[us] in Law and this Attachment being given instead of an Execution by thi[s] Law which is a New Law and Shall not be extended being for more the[n] the Judgment and not warranted thereby is Void in Law.

Which Said first Error being Read, Command was given to the Defend[ants] Attorney for to argue and Speake to the Same the which being largely Argued and debated upon by the Attorneys on both Sides and by the Court here Fully heard and understood it is the Judgment of this Cour[t] that the Said Error by the Defendants Attorney Assigned is a Sufficient Error in Law: and therefore considered by the Said Court this day (to Witt) the Seaventeenth day of May: Anno 1695: that the Judgment of the Provinciall Court afore Said for the reason afore Said be Set a Side and Reversed, and that the Said Joseph Chew Garnishee as afore Said be unto all things (he hath the[re] by lost) restored; And it is likewise considered that the Said Josep[h] Chew recover against the Said Thomas Tench the Summ of Seaven Thousand Nine hundred and Twenty Four pounds of Tobacco by the Court here adjudge[d] for his Costs and Charges in this behalfe laid out and Expended, and tha[t] the Said Joseph Chew may have thereof Execution.