

U. H.
Journal
1659-98

p. 83 s^d Marmaduke Snowe sued out Execution by way of Levary
facias to levy by way of Execution the said Sum of £1000
sterl. which was accordingly Executed upon your Petitioners
Goods & Chattles to the value of 299: 11: 3 obot
the s^d Marmaduke making further Complaint to the Court that
the Sherriff had levyed but £299: 11: 3 ob & not finding any
more personal Estate to perfect that Execution, the Court
passed further Order the 1st March 1664 that the Lands of your
petitioner should be Extended & appraised unless your Petitioner
did produce personal Estate to compleat the Remainder
of the £1000 Sterling whereupon an Extent issued out against
your Petitioner's Lands & was by the Sherriff Executed, in
which Order ex post Facto & the proceedings to Grant Extent,
the Writt of Extent there is manifest Error as also in the
Sherriffs return of the Execution thereof your Petitioner humbly
prayeth your Honours the premisses Considered to grant him
Liberty to Assign Errors in the Assembly & to grant him a
Writt of Error that he may thereby be relieved against the
illegal & Erroneous proceedings of the s^d Snowe against him
And your petitioner shall pray e^t

After reading of which petition the said Tho^s Notley & Jn^o
Morecraft presented these following Errors

Errors Assigned by Thomas Gerrard upon the Proceedings
to the Execution ag^t him by Marmaduke Snowe

1st The Order of Court ex post facto to have an Extent after
Snowe had made his Election to have Execution by Levary
facias is Error

2^d The Order of Court ex post facto is General to have
Extent ag^t his Lands Whereas the Extent should be special
against the Lands he had at the Time of the acknowledging
the Recognizance is Error.

3^d The Writt of Extent varyeth from the Order being mis-
recited in the Writt the Order being the Ground of the Writt
It ought not to vary from the Order but Agree therewith in
form & in terminis is Error

4 The Return of the Sherriff of the Execution of the Extent
is defective in a material point for it doth not express that the
Extent was by the Oath of twelve men It not mentioning
that they were Sworn

Signed { Tho^s Notley
 { John Morecraft

Errors assigned also by W^m Calvert Esq^r

John Morecraft & Thomas Notley the Attornys of Isaac
Bedlo the Attorney of David Anderson in the Suit between
Henry Hudson Pl^t & David Anderson Def^t At a Provincial
Court held the 12th day of October 1665 & now last past—