

While you Shall Continue in the Same and till you Shall be Lawfully discharged thereof.

Soe Help you God.

Tho: Tench Esq<sup>r</sup> Plaintiffe — Jos: Chew named Garnishee —  
of Alexander Chappell Def<sup>t</sup>.

In Reading over a Writt of Error brought by Jos: Chew the Def<sup>t</sup> to Correct Errors it is Said that the Said Thomas Tench be and appear before Us in the Upper house of our next Gen<sup>l</sup> Assembly: Moved by the Councill of the Plaintiffs Side that the Writt is improperly brought for that this is a proper Court and is Styled by the Act of this Province to be the Govern<sup>r</sup> and Councill for hearing Appeals and Writts of Error and therefore no Upper house.

His Ex<sup>coy</sup> asks whether the Govern<sup>r</sup> and Councill in Assembly is not the Upper house of the Assembly, who doe Say that it is So acco<sup>ted</sup>; Then his Excellency asked whether the Governour and Councill in Assembly be a Distinct Court from the Governour and Councill of the Upper house and whether they can Show any Law that ever made that Distinction; who doe Say they cannot; then was ordered to be produced the Act for Appeals which was Read.

His Excellency demands that the Gentlemen of the Councill give their Opinion whether the words of the Law will be Sufficient to make the words of the Writt good, who make answer that they Deem the Same Sufficient where upon the Plaintiffe being overruled; The proceedings were Ordered to be Read, which was done as Followes: Viz<sup>t</sup>:

[3] William and Mary by the Grace of God of England, Scotland, France, and Ireland King and Queen Defenders of the Faith etc. To the Sheriffe of Ann Arrundell County Geeting [sic]. Because in the Record process and pr[o]ceedings as also in Rendring of Judgment before the Justices of our provinciall Court in a certaine Matter or cause of Action Upon an Attachmen[t] brought by Thomas Tench Esq<sup>r</sup> against the Estate of Alexander Chappe[ll] in the hands of Joseph Chew the Eleaventh day of May Annoque Domi. 1693: as it is Say'd manifest Error hath happened to the Great Dama[ge] of the Said Joseph Chew as of his Complaint Wee have Received and n[ow] being Willing that the Errors afore Said (if any be) Should in our Upp[er] house of next assembly be in due Manner corrected and for that Justic[e]<sup>1</sup> be done to both partyes in the Premises Wee Comand you that from Executing the Said Joseph Chew or any of his goods or Chattells for any Dama[ge] occasioned by the premis[es] you altogether Superseed till the Errors afore Said be heard And Wee likewise Command you that by good and lawfull men of your Baylewick you make Known to the Said Tho[mas] Tench that he be and appear before Us in the Upper house of our [next]

<sup>1</sup> Marginal note: "N: Greenberry."