

Thomas before the Said Gen^l Assembly So as af^d brought and for that Execution hath not thereunto issued. We therefore Command You that by good and Lawfull men of Yo^r Bailiwick You make known unto the Said William Hopkins that he be and Appear before the Justices of our Provinciaall Court to be held att Annapolis in Ann arundell County the last Tuesday in Feb^ry next to Shew Cause if any why Execution Should [109] not issue forth ag^t him for the Cost aforesaid According to Law, hereof faile not And have you there the Names of the persons before whom You Make the Same known together with this writt Wittness Robert Smith Esq^r Chief Justice of our Said Court this 14th day of October 1695. And the Said William Hopkins by Sam^l Watkins his Att^y Cometh and Defendeth the force and Injury when etc. and prays Liberty to Imparle unto the next Prov^l Court and it is Granted unto him and the Same is given to the p^lt also.

Att which Said Next Prov^l Court Came again the Said Partys by their Attorneys And the Said William Hopkins by Sam^l Watkins his Said Attorney for plea Saith that the p^lt his Sci: fac: aforesaid upon the Judgm^t af^d to have and Maintain by the Law he ought not for that he Saith That after the Judgment aforesaid and before the day and purchase of the Writt of Sci fac aforesaid he did fully Agree with the Said p^lt for the Satisfaction of the Judgm^t aforesaid And that he is ready to Avert and therefore prays Judgm^t if the p^lt his Sci fac. ag^t him this def^t to have and Maintaine.

And the Said Thomas Saith That for any thing in the plea Aforesaid Alledged from his Sci: fac: he ought not to be barr'd and that the plea and the matters therein Contained is insufficient in Law to barr the p^lt of his Judgm^t af^d and therefore doth demurr in Law unto the Same and for Cause of demurrer Saith that the plea Saith the Said William did fully Agree with the p^lt for Satisfaction of the Said Judgment aforesaid but doth not Say what that Agreem^t was whether Valuable or not nor that ever he performed the Same And an Agreem^t without Satisfaction [110] is not Sufficient to destroy the Judgment aforesaid but it is Void in Law and this he is ready to Avert and prayeth Judgment of the plea af^d

And Now here att this day to witt the 19th day of May Anno Dni 1696 Came the Said Partys by their Attorneys af^d and the Severall Arguments pleadings and Allegations by both partys offered being Argued and heard And by the Justices here fully Understood It is therefore Considered by the Said Justices the day and Year aforesaid That the Said Thomas Tench take nothing by his Scire facias afores^d but be in Mercy for his false Clamour And that the Said William Hopkins go thereof without day And it is Likewise Considered by the Said Justices that the Said William Hopkins recover against the Said Thomas Tench the Summe of Seaven hundred fourty four pounds of Tobbacco Adjudged him by the Court here for his Costs and Charges in that behalfe laid out and Expended According to the forme of the Statute etc.