

can show any law that ever made that distinction, who do say they cannot. Then was ordered to be produced the act for appeals, which was read. His Excellency demands that the gentlemen of the Council give their opinion whether the words of the law will be sufficient to make the words of the writ good, who make answer that they deem the same sufficient, whereupon the plaintiff being overruled, the proceedings were ordered to be read, which was done as follows, viz:—etc.

The case is not otherwise reported, and the proceedings, beginning with the reading of the appellant's first assignment of error, being comparatively brief, are given here, for the further glimpse they afford of the court in action.

And the said Joseph Chew by Kenelm Cheseldyne his attorney cometh into the Court here and saith that in the record and proceedings aforesaid as also in the rendering of the judgment aforesaid 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 Provincial 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 far proceeded in the said cause that the said Thomas Tench had upon the sixth day of October, 1692, recovered judgment against the said Chappell for 5000 lbs. of tobacco damages and 2118 lbs. tobacco of costs of suit in all 7118 lbs. of tobacco and thereupon the said Thomas Tench upon the 11th day of the same month Octob. sued out an attachment directed to the sheriff of the County of Anne Arundel whereby he was commanded that he should attach any the goods chattels or credits of the said Alexander Chappell if they should be found in his bailiwick to the value of nine thousand four hundred and ninety pounds of tobacco which is 2372 lb. of tobacco more than the sum recovered on the judgment aforesaid and so the attachment for the said sum of 3490 lb. of tobacco is not warranted by the judgment aforesaid nor by the law of this province in the said attachment mentioned or any other law whatsoever, for if an execution do issue out for more than the judgment the