

same is void and erroneous in law and this attachment being given instead of an execution by this law which is a new law and shall not be extended being for more than the judgment and not warranted thereby is void in law.

Which said first error being read, command was given to the defendant's attorney for to argue and speak 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 court that the said error by the defendant's attorney assigned is a sufficient error in law—and therefore considered by the said court this day (to wit) the seventeenth day of May anno. D. 1695—that the judgment of the Provincial Court aforesaid for the reasons aforesaid be set aside and reversed, and that the said Joseph Chew garnishee as aforesaid be unto all things (he hath thereby lost) restored; and it is likewise considered that the said Joseph Chew recover against the said Thomas Tench the sum of seven thousand nine hundred and twenty-four pounds of tobacco by the court here adjudged for his costs and charges in this behalf laid out and expended, and that the said Joseph Chew may have thereof execution.

The tribunal which thus proceeded with the appeals and writs of error appears to have been called informally, from the first, the Court of Appeals, or High Court of Appeals, reminiscent of the High Court of Parliament. The first page of the docket, opened in May of 1695, was headed Court of Appeals; likewise acts of assembly and even writs now and then used the name Court of Appeals. But that was not the full, formal style of the court, and as will be seen later, it did not become the formal style until some years after the Revolution. The formal records of proceedings opened at first with such expressions as, "At a Council," "At a Court held before Her Majesty's President and Honorable Council for hearing Appeals and Writs of Error," "At a Court of our Sov-