matter he has pleaded. Secondly for that the said Plea is Vicious in form and Substance

And the aſ. William Alexander Saith that the plea aſ. by him William in manner and form aſ. above Pleaded in the matter in the same Contained are good and Sufficient in the Law to have Precluded them the said Samuel James and Enoch Jenkins from their Action aſ. thereof against him the said William which same Plea and the matter in the same Contained he the same William is ready to aver and Prove as far as the Court &c. And because the aſ. Samuel James and Enoch Jenkins have not Answered to that Plea nor the same hitherto have any way denyed the same William as before prays Judgment and that the aſ. Samuel James and Enoch Jenkins from having their Action aforesaid against him the said William Alexander may be precluded &c.

And the said William Alexander with the Licence of this Court further Saith that he Prosecuted the Injunction aſ. at the Chancery Court held at Annapolis with Effect untill the Reversall of the Judgment aſ. for the Error aſ. by the Reversall whereof it became impossible for the said William to obtain any Decree of the Chancery Court against the said Samuel and Enoch and that no Award Sentence Order or Decree was made by the said Court of Chancery in the Premises and this he is ready to Verify and therefore Prays Judgment if the said Samuel Enoch their Action aſ. against him to have or maintain Ought &c.

And the aſ. Samuel Enoch by their Att. aſ. Say that by any thing Pleaded by the aſ. William ought not to be precluded from having their Action aſ. against him the said William because they Say that the said Plea by the said William so as aſ. Pleaded and the matter therein contained is altogether Insufficient in Law the same Samuel Enoch to preclude from having their Action aſ. And that they to the Plea aſ. in manner & form as above pleaded have no need nor by the Laws of the Land are held to Answer and this they are ready to verify whereforo for want of a Sufficient Answer in this Part the said Samuel Enoch pray Judgment together with their Debt and Damages by reason of the Premises to them to be adjudged

And for Reasons of Demurring According to the form of the Statute in such Cases lately made and Provided they Show to the Court here the following Reasons Viz. First for that the Defendant by the Law of the Land is Estopt from pleading the matter he has Pleaded. Secondly for that the said first plea is Vicious in form and Substance

And the aſ. William Alexander Saith That the plea aſ. by him William in manner and form aſ. above Pleaded and the matter in the same Contained are good and Sufficient in the Law to have Precluded them the said Samuel James and Enoch Jenkins from their Action aſ. thereof against him the said William which same Plea and the matter and the matter in the same Contained, he the same William is ready to aver and prove as far as the Court &c. And because the aſ. Samuel James and Enoch Jenkins have not Answered to that Plea nor the same hitherto have any way denyed the same William as before prays Judgment and that the aſ. Samuel James & Enoch Jenkins from having their Action aſ. against him the said William Alexander may be precluded &c.

But the said Samuel James & Enoch Jenkins altho Solemnly called Come not but make Default nor do they further Prosecute their Writ in the Plea aſ. against the said William Alexander, but Voluntarily suffer their Suit to Discontinue

Therefore it is Considered by the Justices here that the said Samuel James and Enoch Jenkins take nothing by their Writ aſ. But be in Mercy for their false Clamour, & that the said William Alexander go thereof without Day &c.

Mordecai Hammond aga. Daniel Dulany Gard Richard Hill } Memorand. The Plaintiff sued out his Lordships Writ of Attachment the Tenor whereof follows in these Words Viz.

G Daniel Dulany Gard Richard Hill

Maryland ss. Charles Absolute Lord and Prop. of the Province of Maryland and Avalon Lord Baron of Baltimore &c. to the Sheriff of Anne Arundell County Greeting, We Command you that you Attach any the Goods Chattels Rights or Credits of Richard Hill of Anne Arundell County Chirurgeon otherwise called Rich. Hill of Anne Arundell County Surgeon if they shall be found in your Bailywick to the value of Three hundred & fifty Seven pounds Eleven Shillings Sterling & ten thousand pounds of Tobacco and when you have the same so Attached or any part thereof the same in your custody safe keep so that you have the same before the Justices of our Provincial Court to be held at Annapolis the third Tuesday of October next to satisfy unto Mordecai Hammond as well the Sum of Three hundred and fifty seven pounds Eleven Shillings Sterling certain Debt by the said Mordecai recovered against him the said Richard before Robert Gordon Esq. one of Our Justices of our said Court on the twentieth Day of July as the Sum of one thousand fifteen and a half pounds of Tobacco Costs of Suit together with all such Costs as to the said Mordecai Hammond shall Accrue upon this our Writ of Attachment & that by Good and Lawfull Men of your Bailywick you make Known unto the Person or Persons in whose hands so you make the same Attachment that he she or they be and Appear before the Justices of our said Court at the Day and place aſ. to show Cause if any he she or they have why the same Goods Chattels Rights or Credits so Attached shall not be Condemned in his her or their hands and Execution thereof had and made According to the form of the Act of Assembly in such Case made and Provided for and towards Satisfaction of the Debt and Costs above Specified and how you shall Execute this Writ that you make Known unto our said Justices at the same Day & Place hereof fail not at your Peril & have you then there this Writ Witness Lewin Gale Esq. Chief Justice of our said Court the 24th Day of May in the 25 Year of our Dominion or Anno Dom 1740.

(Ff.)

Wm. Wilkins Clk

Ss. 28th May 1740

At which said third Tuesday of October, to wit, the 21st Day of the same Month Anno Dom. 1740 being the Day of the return of the aforegoing Writ Comes into his Lordships Prov. Court here the said Mordecai Hammond in his own proper Person & the Sheriff of Ann Arundell County to whom the same Writ was directed likewise comes and makes return thereof to the Court here thus Indorsed Viz. By virtue of the within Writ of Attachment to me directed Certifye to the Justices within mentioned that on the Seventh Day of June Anno Domini 1740 I Attached of the Rights and Credits of the within named Richard Hill the Sum of three hundred fifty seven pounds Eleven Shillings Sterling and ten thousand pounds of Tobacco before Henry Hall and Wm. Wilkins two Lawfull Men of my Bailywick in the hands of Daniel Dulany Esq. * * * * * * * * * * * for the Use of the within Named Mordecai Hammond & have made known to the said Daniel Dulany Esq. * * * * * * * * * that he be and Appear at the time and place within mentioned to Show Cause &c. So Answers John Darnall Shr.

And the said Daniel Dulany Gard of Thos. Richard Hill by Joshua George his Att. Comes and prays leave to Imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiff also.

At which said next Court, to wit, the 14th Day of April Anno Dom 1741 Come again the said Plf. in his proper person & the said Defr. by his Attorney aſ. & the said Defr. by his said Att. Prays further leave to imparle hereunto untill next Court and he hath it and the same Day is given to the Plf. also.

At which said next Court, to wit, the 13th Day of October Anno Dom 1741 Come again as well the said Plf. in his proper person as the said Defr. by his Att. aſ. & the said Defr. by his said Att. Prays further leave to imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiff also.

At which said next Court, to wit, the 13th Day of April Anno Dom 1742 Comes again as well the said Mordecai Hammond in his proper person as the said Daniel Dulany Gard as aſ. by his Att. aſ. and the said Dan. Dulany Garnishee aſ. by his said Attorney Saith that the said Mordecai Condemnation of the money & Tobacco mentioned in the said Writ and the

(return)