Return thereof in the hands of the said Daniel ought not to have because he saith that on the Day of making or Laying the said Attachment in his hands he had not any of the Goods or Chattles Rights or Credits of the said Richard Hill in his hands or Possession and this he is ready to Verify and therefore prays Judgment if the said Mordocai Condemnation of the Premisses in his hands ought to have &c.

Whereupon the said Daniel Dulany Gard as af. by his said Att.y prays that the said Mordocai Hammond to his plea af. may answer, But the said Mordocai altho Solemnly called comes not but makes default nor does he further Prosecute his Writ of Attachment in the plea af. against the said Daniel Dulany Gard as af.

Therefore it is considered by the Justices here that the said Mordocai Hammond take nothing by his Writ of Attachment af. but be in Mercy &c. and that the said Daniel Dulany go thereof without Day, and it is also considered that the said Daniel Dulany Garnishee as af. Recover against the said Mordocai Hammond the Sum of pounds of Tobacco by the Court here unto him on his Apeal adjudged for his Costs and Charges by him about his Defence in this behalf laid out & expended, and that he have there of his Execution &c.

Mordocai Hammond ag.t
Charles Carroll Sur Garnishee
Richard Hill

Memorandum The Plaintiff sued out his Lordships Writ of Attachment the Tenor whereof follows in these Words Viz.t

Charles absolute Lord & Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Ann Arundell County Greeting We Command you that you Attach any the Goods Chattels Rights or Credits of Richard Hill of Ann Arundell County Chirurgeon otherwise called Rich: Hill of Ann Arundell County Surgeon if they shall be found in your Bailywick to the Value of three hundred and fifty Seven pounds Eleven Shillings Sterling and 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 Testifye unto Mordocai Hammond as well the Sum of three hundred and fifty seven pounds Eleven Shillings Sterling Certain Debt by the said Mordocai recovered against him the said Richard before Robert Gordon Esq. one of our Justices of our said Court on the twentieth Day of July Seventeen hundred thirty Seven af the Sum of one thousand fifteen & a half pounds of Tobacco costs of Suit together with all such Costs as to the said Mordocai Hammond shall accrue upon this our Writ of Attachment and that by Good and Lawfull Men of your Bailywick you make known unto the Person or Persons in whose hands 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 af. 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 and Place here of fail not at your Peril and have you then there this Writ Witness Levin Gale Esq: Chief Justice of our said Court the 24th Day of May in the 25th Year of our Dominion &c. Anno Dom 1740.

Wyseslin Clk

Issued 28 May 1740

(Ff.)

At which said third Tuesday of October to wit, the 21st Day of the same Month Anno Dominis 1740 being the Day of the return of the aforegoing Writ Comes into his Lordships Provincial Court here the said Mordocai Hammond in his own proper person and the Sheriff of Ann Arundell County to whom the same Writ was directed likewise comes and makes return thereof to the Court here as follows Viz.t By Virtue of the within Writ of Attachment to me directed Notifie to the Justices within mentioned that on the Seventh Day of June

(Anno)

Anno Dominis Seventeen hundred and forty 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 William Wilkins two Lawfull Men of my Bailywick in the Hands of Doct.r Charles Carroll that he is to be and appear at the time and place within mentioned to show Cause &c. So Answers John Darnall Shff.

And the said Doct.r Charles Carroll Garnishee of the said Richard Hill by Joshua George his Attorney 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 comes again as well the said Plaintiff in his proper person as the said Def.t by his Attorney af. and the said Def.t by his said Attorney prays further leave to Imparle hereunto untill next Court & he hath it and the same Day is given to the Plaintiff also.

At which said next Court, to wit, the 13th Day of October Anno Dom 1741 comes again as well the said Plaintiff in his proper person as the said Defendent by his Att.y af. and the said Defendent by his said Attorney 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 Mordocai Hammond in his proper person as the said Doct.r Charles Carroll by his Att.y af. and the said Doct.r Charles Carroll Garnishee as af. by his said Att.y saith That the said Mordocai Condemnation of the Money and Tobacco mentioned in the said Writ and the return thereof in the hands of the said Doct.r Charles Carroll ought not to have because he saith that on the Day of making or Laying the said Attachment in his hands he had not any of the Goods or Chattles Rights or Credits of the said Richard Hill in his hands or Possession and this he is ready to Verify & therefore prays Judgment if the said Mordocai Condemnation of the Premisses in his hands ought to have &c.

Whereupon the said Doct.r Charles Carroll Gard as af. by his said Attorney prays that the said Mordocai Hammond to his plea af. may answer, But the said Mordocai altho Solemnly called comes not but makes Default nor does he further Prosecute his Writ of Attachment in the plea af. against the said Doct.r Charles Carroll Gard as af.

Therefore it is considered by the Justices here that the said Mordocai Hammond take nothing by his Writ of Attachment af. And that the said Def.t go thereof without Day

Et it is also considered that the said Doct.r Charles Carroll Gard as af. recover against the said Mordocai the Sum of

Pounds of Tobacco by the Court here unto him on his Apeal adjudged for his Costs and Charges & by him about his Defence in this behalf laid out & expended, and that he have thereof his Execution &c.

Mordocai Hammond ag.t
Richard Mos . . . .

Command was given to the Sheriff of Ann Arundell County that he should take Richard Mos late of Ann Arundell County Planter if he should be found in his Bailywick and him safe keep so that he might have his Body before the Justices of his Lordships Provincial Court to be held at Annapolis the Second Tuesday of October then next to Answer unto Mordocai Hammond of a plea of Trespass upon the Case &c. & that thereof he the said Sheriff should not fail &c. At which said Second Tuesday of October, to wit, the 13th Day of the same Month Anno Dom 1741 being the Day of the return of the aforegoing Writ Comes into his Lordships Provincial Court here the said Mordocai Hammond by Daniel Dulany his Attorney and 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.t

Cepi John Darnall Shff.

(And)