Mr. William Deacon Esq.
v.
Mr. Peregrine Macknes Gent.
Charles Rogers.

Mem.d the Plaintiff sued out his Lordships Writ of Attachment the Tenor whereof follows in these Words (Viz.t) Maryland s.t Charles Absolute Lord and Propry.r of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c.a To the Sheriff of Prince Georges County Greeting We Command you that you attach any of the Goods Chattels Rights or Credits of Charles Rogers late of London Merchant if they shall be found in your Bailiwick to the Value of four hundred and ten pounds four Shillings and eleven pence half penny 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 second Tuesday of September the next then and there to be Condemned according to Act of Assembly to and for the Use of a certain William Deacon Esq.r unless he the said Charles Rogers by himself or his attorney shall appear and Answer unto the said William Deacon of a Plea of Trespass upon the Case &c.a according to Law and that by good and Lawfull Men of your Bailiwick 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 Provincial Court to behold as afs.d to shew Cause if any he she or they have why the same Goods Chattels Rights or Credits so attached in their hands ought not to be Condemned and Execution thereof had and made according to the Direction of the Act of Assembly in that Case made and Provided if to him her or them it shall seem meet and how you shall Execute this Writ that you make known unto our said Justices at the Day and Place aforesaid and have you then there this Writ Witness Benjamin Young Esq.r Chief Justice of our said Court the 28.th Day of April in the 22.d Year of our Dominion &c.a Anno Dom. 1747

Issued the 28.th Day of April 1747 — (Cumming)

R Burle Cl

And now here at this Day to wit the third Tuesday of October being the 20.th Day of the same Month Anno Dom. 1747 and the Day to which the Court afs.d from the said Second Tuesday of September by an Act of Assembly for that purpose made was adjourned comes the said William Deacon by William Cumming his Attorney and the Sheriff of Prince Georges County to whom the same Writ was directed likewise comes and makes return thereof to the Court here thus Endorsed (Viz.t) I hereby certify to the Justices within mentioned that I have attached of the Rights Credits of the within Named Charles Rogers in the hands of Peregrine Macknes for Thirty two Pounds fourteen Shillings and one penny Sterling to and for the Use of William Deacon Esq.r and I further certify that I have made known to the afs.d Peregrine Macknes that he be and appear at the Day and place within Contained to shew Cause why the afs.d Sum of Money should not be Condemned for the Use of the afs.d William Deacon Esq.r this Day May 1747 before Samuel Selby and Jonas Smith two good and Lawfull Men of my Bailiwick as by the within precept I am Commanded

To Answers Wm. Hardint Shff. Thom. Sprigg Shff. Geo. Counby

And the said Peregrine Macknes by Stephen Bordley his Attorney comes and prays leave to Imparle hereunto untill next Court and he hath it and the same day is given to the Pff. also

At which said next Court to wit the 10.th Day of May Anno Dom. 1748 came again the said parties Plaintiff and Defendant by their Attorneys afs.d and the said Defendant 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 17.th Day of October Anno Dom. 1748 comes again as well the said William Deacon by his Attorney afs.d as the afs.d Peregrine Macknes

(by)

by his Attorney afs.d and the said Peregrine Macknes by his said Attorney saith that he the said William Condemnation of the Money afs.d in the return of the Writ of Attachment afs.d specified in the hands of him the said Peregrine as of the Rights and Credits of the said Charles Rogers to have ought not because he saith that he the said Peregrine at the time of laying the attachment afs.d nor at any time since in his hands had no Goods Chattels Rights or Credits of the said Charles Rogers in his hands and this he is ready to Verify wherefore he prays Judgment whether the afs.d William Condemnation of the said Money as of the Rights and Credits of the said Charles Rogers in the hands of him the said Peregrine for the Use of him the said William to have ought &c.a

And the said William saith that by any thing prealledged from having Condemnation of the Premisses in the hands of the afs.d Peregrine he ought not to be precluded Because he saith That the said Peregrine on the Day of laying and making the said attachment in his hands had to the Value of the Sum in the return of the Writ of attachment afs.d specified of the Goods Chattels and Effects of the said Robert Sutcliffe in his hands to wit at Prince Georges County afs.d and this he prays may be enquired of by the Country and the afs.d Wm. in like manner

Nevertheless the said Peregrine Macknes by his Attorney afs.d relinquishing the averment above by him pretended says that he cannot deny but that he has of the Rights and Credits of the said Charles Rogers in his hands to the value of the Sum of Thirty two Pounds fourteen Shillings and one Penny Sterling nor but that the said William Deacon ought to have Condemnation thereof

Whereupon the said William Deacon by his Attorney afs.d prays that upon giving Security according to Act of Assembly the said Sum of Thirty two Pounds fourteen Shillings and one penny Sterling so as afs.d attached and Confessed in the hands of the said Peregrine Macknes may be Condemned in his hands as of the Rights and Credits of the said Charles Rogers towards Satisfying unto the said William Deacon as well his Damages in the Writ of attachment afs.d specified as for his Costs and Charges accruing by Occasion of the Premisses aforesaid

Thereupon a certain William Cumming of Anne Arundell County Gent. present here in Court undertakes for the said William Deacon that in Case the said Charles Rogers shall at any time within three Years and a Day appear and make all or any part of the said William Deacon appear to be Satisfyed or otherwise to have been undue before the laying of this attachment that then the said William Deacon shall make Restitution unto the said Charles Rogers of all or such part thereof as shall so be made appear to be undue &c.a or that he the said William Cumming will do it for him

Therefore it is Considered by the Justices here that the said Sum of Thirty two Pounds fourteen Shillings and one penny Sterling so as afs.d attached and Confessed in the hands of the said Peregrine Macknes be Condemned in his hands as of the Rights and Credits of the said Charles Rogers towards Satisfying unto the said William Deacon as well his Damages in the Writ of attachment afs.d specified as for his Costs and Charges accruing by Occasion of the Premisses afs.d And it is also Considered that the said William Deacon recover against the said Peregrine Macknes the Sum of

Pounds of Tobacco by the Court here unto him on his Assent adjudged for his Costs and Charges accruing by Occasion of the said Peregrine Macknes his appearing and Contesting the attachment afs.d &c.a and that the said William Deacon have thereof his Execution against the said Peregrine Macknes according to the Direction of the Act of Assembly in such Case made and Provided

Pst.

R Burle Cl