September Term 1754

Rights or Credits Lands and Tenements of Samuel Hyde late of London Merchant if they shall be found in your Bailiwick to the Value of three Thousand seven hundred and seventy one Pounds seven shillings and nine pence sterling and twenty Thousand Pounds of Tobacco and whom 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 next then and there to be Condemned according to Act of Assembly to and for the Use of one Benjamin Tasker Esqr. unless he the said Samuel Hyde by himself or his Attorney shall appear and Answer unto the said Benjamin Tasker of a Plea of Trespass upon the Case 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 be held as aforesaid to shew Cause if any he she or they have why the same Goods Chattels Rights or Credits Lands and Tenements so Attached in his her or 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 Esqr. Chief Justice of our said Court the 30th Day of April in the 38th Year of our Dominion &c. Anno Dom. 1747.

Duplicate Issued the 30th day of April 1747. (P Key) P Burgess Clk

And now here at this day to wit the third Tuesday of October being the 22d day of the same Month Anno Dom. 1747. and the day to which the Court aforesaid from the said Second Tuesday of September by an Act of Assembly for that Purpose made was Adjourned comes the said Benjamin Tasker by Philip Key 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

Prince Georges County ss. I hereby Certify to the Honble the Justices of the Provincial Court that I have Attached of the Rights and Credits of the within named Samuel Hyde in the hands of Clement Hill for the whole Sum of Money and Tobacco within mentioned to and for the Use of Benjamin Tasker Esquire And I further Certify to the Justices aforesaid that I have made known unto the aforesaid Clement Hill that he be and appear at the day and place within contained to shew Cause why the aforesaid Sum of Money and Tobacco within mentioned Attached in his hands should not be Condemned for the Use of the aforesaid Benjamin Tasker Esqr. Before James Haddock Waring and Benja. Berry (this 20th Day of May 1747) two good and lawfull Men of my Bailiwick as by the within Precept I am Commanded

Ss Answers Wm Maudlett Shff Osborn Sprigg

And the said Clement Hill Garn. as aforesaid by Thomas Clark his Attorney comes and prays leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 17th Day of May Anno dom. 1748. Come again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 20th Day of October Anno Dom 1748. Come again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

(At)

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At which said next Court to wit the 16th Day of May Anno Dom. 1749 Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 17th Day of October Anno Dom. 1749. Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 10th Day of April Anno Dom. 1750. Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 11th Day of Sept. Anno Dom. 1750 Come again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 9th Day of April Anno Dom. 1751. Come again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 10th Day of Sept. Anno Dom. 1751. Comes again as well the said Benjamin Tasker by his Attorney aforesaid as the aforesaid Clement Hill Garn. as aforesaid by his Attorney aforesaid and the said Clement Hill by his said Attorney saith that the said Benjamin Tasker Condemnation of the Money and Tobacco aforesaid in the Attachment aforesaid and return thereof Specified in the hands of him the said Clement as of the Goods Chattels Rights and Credits of the said Samuel Hyde to have ought not because he saith that he the said Clement at the time of laying the Attachment aforesaid in his hands had no Goods Chattels Rights or Credits of the said Samuel Hyde in his hands and this he is ready to verify Therefore he prays Judgment whether the aforesaid Benjamin Condemnation of the said Money and Tobacco in the Attachment aforesaid and return thereof Specified as of the Goods Chattels Rights & Credits of the said Samuel Hyde in the hands of him the said Clement for the Use of him the said Benjamin to have ought &c.a

And the said Benjamin saith that by any thing Pleaded good from having Condemnation of the Premisses in the hands of the said Clement Hill he ought not to be Precluded because he saith that the said Clement Hill at the time of the laying the said Attachment in his hands had to the Value of the Sums in the return of the Writ of Attachment aforesaid Specified of the Goods Chattels Rights or Credits of the said Samuel Hyde in his hands to wit at Prince Georges County aforesaid And this he prays may be Enquired of by the Country, and the aforesaid Clement Hill in like manner.

Whereupon this Cause standing for Tryal this Court at the request of both Plaintiff and Defendant and by their Consent it is ruled by the Court that the said Cause be Referred to John Hepburn Esqr. James Waddrop and Samuel Galloway or any two of them, And Ordered by the said Court that the said Arbitrators or any two of them make their Award in Writing under their or any two of their hands and Seals and return the same to this Court and Judgment be rendered according to such Award and be final between the said Parties according to the form of the Statute &c. with Power to Examine Witnesses on Oath by Consent of both parties Plff. & Deft.

And the said John Hepburn & Samuel Galloway two of the Arbitrators aforesaid Pursuant to the Order aforesaid return to the Court here the following Award (Viz.t)

(Benja.)