

satisfied, & therefore to Secure himselfe out of the def^{ts} debts effects & estate in this Province he comēced that Suite & haveing made his damages appeare & the Sheriff of the County of Charles County where most of the effects lay haveing returned a non est inventus the p^{lt} had according to the Act of Assembly in that case made & provided issued Out severall attachm^{ts} to the Severall Sheriffs of s^t Maries & Charles County to attach in the hands of severall persons divers considerable quantities of tobacco by them due & oweing by bills bonds & accompts to the estate of the Said Edward Erbery & for the better ascertaineing & finding what those persons owed to the Said estate, this Court did award a Sp^a to sumons the Severall Debt^{rs} to discover upon Oath what they really owed to the Said Erbery & thereupon the Said Sheriffs did make returne that they had attached in the hands of Severall persons Severall Summes of tobacco amounting to the Summe of 15122 1 of tob. Whereupon this Court upon the ninth day of february last past did Order the same to be condemned for and towards Satisfaction of the p^{lts} debt & damages aforesd & did also Order that a scire facias should issue to the said severall debtors to shew cause (if any they had) why they should not pay their severall debts they owed to the said Erbery to the plaintiff Speed, And it being this day offered for cause that the debts that they so owed, were Secured by bills & Specialtyes which were in the hands of the said Erbery in England or of his Attorney in the Collony of Virginia Out of the jurisdiction of this Province, & unlesse they had their bills & Specialtyes delivered up to be cancelled or generall discharges from under the hand & Seale of Erbery they could not be discharged but were lyable to be sued for their said debts in any place out of this Provinces jurisdiction & therefore they ought not to pay their debts without legall discharges for the same. This Court takeing the premisses into their Serious consideration & the defects in the said Act in this particular & that it was the intent of the Said Act to releive Creditors against persons absent Out of this Province & haveing effects here for recovery of their just debts, & that unlesse the Creditors may have the effects condemned, their suits wilbe rendred ineffectuall to their greater charge & damage, & considering also that all debts made & contracted in this Province or payable in this Province or other goods brought into this Province may be disposed by the jurisdiction of this Province according to Law & justice, & that it is usuall practice not only in Virginia & other Our neighbour Colonyes but also in the City of London & other places in the Kingdome of England to attach & condemne goods & debts for payment of Creditors & the Same so condemned to cause to be to the partyes plaintiffs delivered for & towards Satisfaction of their debts. Doe therefore thinke fitt & So order that the said Severall persons in whose hands the debts due to Erbery doe remaine being duly Served with a Scire facias as aforesaid & haveing

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