

Hawkins hath been and is Satisfied his Demand afore Said or Shall otherwise in this Court discount or barr the Said Henry Hawkins of the Same or any part thereof etc.

(True Copy) Per C. Lomax Clk: Ca[ro] Comi[te]

Henry Hawkins p^t [v.] Philip Lynes Def^t

Vpon a writt of Error brought by the Def^t to correct Errors in a Judgm^t obteyned by the Complainant in Charles County Court Vpon an Attachm^t issued out of the Said Court.

The Said Philip by George Plater his Attorney Saith, that the p^t: Upon the 11th day of August 1691: did bring an Action of debt ag^t the Def^t in the Said County Court, for the Summe of 13281^{lb} of to[bo] and hath Declared ag^t him. Upon a bill obligatory Supposed to be made and Sealed by the Said Def^t to the Said Plantiffe upon the 5th day of March 1690 for the paym^t of the Said Summe the next day that is to Say the Sixth day of the Same month and Upon two Non Est Inventus returned by the Sheriffe of the Said County and Upon the Suggestion to the Court that the Said Phillip Lynes was absent out of the Province and that Sev^rall persons of that County had in their hands of the goods Chatt^{rs} or Credits of the Said Def^t to the Value of the Said Debt upon the tenth day of November 1691 afore Said There Upon at the Request of the Said p^t: according to Act of Assembly in that Case made and provided, It was granted by the Court there that the Said Plantiffe have an Attachm^t ag^t the Estate of the Said Lynes for the Said Summe of 13281^{lb} of Tobacco with Cost of Suite and there upon the Said P^t: Sued out an Attachm^t for 15534^{lb} of Tobacco returnable to the 12th of January 1691: By Virtue whereof the Sheriffe the Said 12th of January did returne that he had Attached the Said Summe of 15534^{lb} in the hands of Severall persons as in the Record is mencion'd and the Said Philip Lynes nor any of [25] The Garnishees appearing they prayed Condemnation and Execution for the goods Servants and Tobacco Attached which was by the Ct. granted accordingly:

Which Attachm^t illegally and unduely issued and that therefore the Judgm^t Condemnation and execution thereupon is illegal and Erronious in Law for these reasons.

The Act of Assembly limiting the Extent of Attachments and providing what Shall be Levyed on Attachm^{ts} and executions being the Act of Assembly intended in the pleadings afore Said in the p^ramble of it Saying that the former Laws for Attachm^{ts} had been Soe incertaine and doubtfully expressed that they Scarce throughout admitted of a Coherent interpretation whereby many doubts had been made and Various Judgm^{ts} thereupon given To the End therefore that the manner of proceedings on Such Attachm^{ts} may be more plainly and clearly Set downe Did Enact that from thenceforth no attachment Should issue out of any Court of this Province before a Writt or