

Judgement and Security; and that every Creditor, who employs an Attorney, or Attorneys, shall pay the Fees to such Attorney or Attorneys, without any Deduction or Allowance for the Fee or Fees of such Attorney or Attorneys, out of the Effects of the Defendant, so as to lessen the Shares of the other Creditors of such Effects. And Provided also, That no Sheriff, to whom any such Attachment shall be directed, and who shall execute the same, shall have or receive any more or other Fee or Fees, than if the whole Effects attached were attached to the Use of one Person.

And to the End that all the Creditors may have Notice of such Attachment, and an Opportunity of making their Claims, *As Enacted by the Act heretofore said*, That the Sheriff, upon the Receipt of any such Attachment, shall, and is hereby required to publish Notes or Advertisements thereof; and set up, or cause to be set up, in the most public Places in his Bailiwick, such Notes or Advertisements; and shall, from the Beginning of such Court, to which such Attachment shall be returnable to the End of such Court, set up and keep a Note or Advertisement of such Attachment on the Court-House Door; for which such Sheriff shall be paid ten Shillings Current Money, and no more. And that the Clerk of the Court, who shall issue such Attachment, shall immediately, upon issuing such Attachment, send Notes or Advertisements thereof to all the Clerks of the several Counties within this Province; which Notes or Advertisements shall be inclosed and directed to the several Sheriffs of this Province, for his Lordship's Service, and returned by such Sheriffs to the respective Clerks; and by the Clerks set up at the respective Court-House Doors; for which the Clerk sending such Notes or Advertisements shall be paid ten Shillings Current Money, and no more; which Money with the Allowance to the Sheriff for giving Notice, shall be taken and deducted out of the Defendant's Effects.

This Act to continue for three Years, and to the End of the next Session of Assembly which shall happen after the End of the said three Years.

Sept. 3 Jan. 9. On Thursday, January 1, the Rebels approached this Town; on which the Gates were order'd to be shut, and the Militia, Volunteers, and Towns-men, put under Arms, for its Defence. On Sunday the 5th Instant at Nine at Night, the Rebels sent a Drummer to the East Gate of the Town with a Message, demanding the Town to surrender to them on Terms of Capitulation; but the Centinels, ignorant of the Rules of War, fired several times at the Drummer, upon which he hollow'd aloud, I am but a Messenger; and then run away with all Speed, leaving his Drum at the Gate, when the Town's People towed up the Walls, and brought into the Town. On Monday Morning the 6th Instant, the Rebels sent another Person with the same Message; upon which the P. v. -t called a Council, to see what was fit to be done; when he, with a few of the Council, were for capitulating, but the Majority were for defending the Town. Notwithstanding which the P. v. -t, and one of the Counsellors, went out in the Afternoon to Sir Hugh Paterfon's of Bamockburn, where the young Pretender lay, and staid there till Night.

Next Morning they called a Council, and shew'd them the Terms of Capitulation they had made, which were, that the Rebels were, on getting Possession of the Town, to harm no Man's Person or Effects, not even those that bare Arms against them; and to pay for every Thing they called for. On hearing which, some more of the Town's People were for agreeing to these Terms; but the greatest Part were for defending the Town till General Hawley's Army came up to its Relief; and the Contest at last grew so high, that Mr. Stephenson, the Conveener of the Trades, and the Rev. Mr. Erskine, the

seceding Minister, took a Protest against the Capitulation; to which Protest the greatest Part of the Town adhered.

General Mackeney, on hearing of this, came down to the Town, and round all the Guards, exhorting them to this Effect:

*Gentlemen, be true to your Religion, King and Country, and defend your Posts to the last Extremity; and if you are overpowered by the Rebels, make a handsome Retreat, and I will keep an open Door for you.*

On this the Conveener caused the Drum to beat to Arms; upon which above 900 Men, well armed, drew up in the Market-place before the General, who desired all those who were for defending the Town to give three Huzza's, which was immediately done. Notwithstanding which, the P. v. -t, with two of the B. -s, went out again in the Afternoon to the young Pretender, to make some other Agreement with them; but the General, being informed of their Design, called all the Militia up to the Castle. Most of the Volunteers on seeing this fled up towards the Castle, except part of Capt. Main's and Erskine's Companies, Seceders, who placed Centinels at the Posts the Militia left; and the Conveener, and several others, persuaded the Volunteers to return to their Posts, where they met with no other Disturbance, except by 27 Cannon Shot which the Rebels fired against the Town, that did no other Damage but breaking a few Chimney Tops; the Conveener, and several others, going thro' the Guards all Night, Sword in Hand, encouraging the Men to stand out.

About Twelve at Night the P. v. -t and two B. -s came to one of the Gates, where they were challenged very hard, and carried to the main Guard, but kept no Time there. Immediately a Council was called, and a Letter sent to the General, shewing him the Terms of the second Agreement, to which he returned this Answer:

*"Gentlemen I received yours. Deliver me up my Arms, and Ammunition. You humbly Servant."*

On this the Conveener, with the Captains of the Volunteers, sent a Letter to the General, telling him, that if he would aid them with the Militia as formerly, and head them, they would stand out the Siege till our Army came up; and that if he would give them Orders, they would send all these disaffected Gentlemen to him. To which he returned this Answer;

*"Gentlemen, As your P. v. -t and B. -s think the Town not worth their Notice, to take care of it, neither can I. I will take care of the Castle."*

On receiving this Answer nothing but Confusion and Distractedness was to be seen among the Militia, and which was heighten'd by the loud Cries of the Women and Children, on seeing the Place so easily given up to a Band of merciless Villains. The Militia, on seeing they could do no more for the Defence of the Town, went up to the Castle about Nine in the Morning, with their Arms, lest the Rebels should get them.

About Eleven the Gates were thrown open, and the Rebels enter'd at Four in the Afternoon; where they were not two Hours till they broke the Capitulation, by breaking up and pillaging the Shops of those Persons that were most noted for their Opposition to the Pretender.

*An Account of Ships taken by the Enemy, belonging to Virginia and Maryland, from the Supplement to the Gentleman's Magazin. for December, 1745.*

The Polly, Ivie, for Barbadoes, and the Fanny, Calvert, for the Leeward Islands, both from Virginia, taken by the Spaniards. The Dragon, Foot, from Virginia for London; two Ships from Virginia for Liverpool. The Bansted, Whiting, from Virginia for London; the Duke of Argyle, Ludlow, from Virginia for Bristol. The Elizabeth, Clack, from Virginia for London.