

(42)
Lib^o

And in case where the defendant is absent out of these parts or hath no certain dwelling or familie or so hideth or absenth himself from his dwelling that proceffe as afore may not be sewed upon him the complainant, making such proofe of his demand as shall satisfie the court of the truth & justness thereof and giving caution for the satisfiing and restoring to the defendant (at such time as the defendant shall enter his appearance in the court) at costs and damages which shall be given or awarded to the defendant by reason of any unjust proceccution of the plaintiff shall or may sue and take out of the Chancery or hundred court of Kent a writt of attachment, or of execution for such Value and in such manner upon the goods or debts of the defendant within the province as the court shall think fitt.

To which purpose a writt of execution (in like manner as a writt of attachment before) may be sued and taken out of the Chancery or hundred court of Kent directed to any the debtor or debtors of the partie against whom any recovery is had in court naming the said Debtor or Debtors and the debtor Debts by them acknowledged upon Record or recovered by Judgment of court and commanding them and every of them to deliver or be accomptable to the partie recovering for all such Tobaccoes as are in their or any of their hands to the value of the summe recovered and all Tobaccoes or other goods delivered or accompted for by such debtor or debtors by vertue of the said writt shall be discompted to the partie against whom the recovery is had and such delivery or accompt shall be a lawfull and absolute discharge to such debtor or debtors so delivering or accompting as aforesaid against his or their Creditors for so much as shall be so delivered or accompted for Or otherwise such writt or precept of execution may be directed to the Sheriff or high constable or other Officer