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levying of the said demand or so many thereof as shall be so acknowledged and confessed by the defendant And if the defendant by himself or his Attorney shall deny the demand of the plantif and the plantif have no bill speciality or wittness of his demand the partie plantif (if the Court shall think fitt the worth and Credit of the plantif considered) by himself or his attorney (authoris'd thereunto specially by the plantif may be admitted to make oath of the truth of his book accompt or principall debt demanded which oath so made shall be a sufficient evidence to the Jury or otherwise to the Court (if the tryall be by the Court) to convict the defendant of the said principall debt or demand so affirmed by oath or otherwise the Defendant shall or may be admitted to wage his law in such manner as the Court shall appoint And if the defendant shall not return bring send deliver make or enter his answeare within the time within the time appointed in the writt or at the time so appointed shall not (by himself or his attorney sufficiently instructed to make his defence) appear upon summons there made in the Court the Court upon affidavit made that the defendant was lawfully served with the said writt shall or may award such Judgem<sup>t</sup> in the said cause either in behalf of the plantifs bill or in giving damages to the plantif or otherwise giving further day to the defendant as the Court shall think fitt

p. 42 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 processe as afore may not be served upon him the complainant makeing such prooffe of his demand as shall satisfie the Court of the truth & justness thereof and giving caution for the satisfieing and restoreing to the defendant (at such time as the defendant shall enter his appearance in the Court) all costs and damages which shall be given or awarded to the defendant by reason of any unjust proceccution of the plantif shall or may sue and take out of the Chancery or hundred Court of Kent a writt of attachm<sup>t</sup> 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 attachm<sup>t</sup> 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 debt or Debts by them acknowledged upon Record or recovered by Judgm<sup>t</sup> of Court and Commanding them and every of them to deliver or be accomptable to the partie recovering for all such Tobaccos as are in their or any of their hands to the value