

August Court -- 1723 --- 100

Now in Somerset County mesne: if they shall be found in your Bailiwick and to the Value of four pound and
five hundred pounds of tobacco and when you have the same attached or any part thereof the same in your
Custody safe Keep so that you have the same Before the Justices of our County to be held at Dividing Creek
the third Tuesday of August next then and there to be Condemned according to act of assembly to and for the
Use of a certain Benjamin Cottman unless the said Thomas Maddocks by himself or his attorney shall appear
and answer unto the said Benjamin Cottman in plea of trespass upon the Case - according to Law and that
by good and Lawfull men of your Bailiwick you make known unto the person or persons in whose hands
you make the same attachment that he she or they be and appear before the Justices within mentioned of
our said Court to be held as aforesaid to show Cause if any he she or they have why the same goods Chattels Rights
or Credits so attached in his her or their hands ought not to be Condemned and Execution thereof had and
made according to the form of the act of assembly in that Case made and provided if to him her or them it
shall seem meet and how you shall Execute this writt that you make known unto our said Justices
at the day and place aforesaid and have you then and there this Writt Witness Charles Ballard Justice of the
Peace of our said Court the 15 day of June in the Eighth Year of our Dominion ^{g^o Anno d^o 1723}
(J. Darkeil) Thomas Hayward

At which said third Tuesday of August to wit the twentieth day of the same month and Dowd one thou-
sand seven hundred and twenty three Being the day of the return of the said Writt Cometh the said Benja-
min Cottman by his attorney aforesaid and the Sheriff of Somerset County to whom the foregoing Writt was directed -
Likewise Cometh and maketh return thereof to the Court here Endorsed in these words following viz:
By virtue of the within Writt to me directed to the Justices within mentioned I Certifie that I have attach-
ed as the goods and Chattels rights or Credits of the within Named Thomas Maddocks in the hands of John
Elzey the sume of four pound Curr^t money and five hundred pounds of tobacco and I further Certifie
that I have given Notice unto the said John Elzey that he be and appear before the Justices within
mentioned at the time and place within contained to show Cause if any he have why the same should not
be Condemned in his hands towards Satisfying of the within Named Benjamin Cottman his Damages and
Cost against him recovered Before Hugh Carter and John Doe good and Lawfull men of my Bailiwick
as by the within Writt I am Comanded so answer Joseph M^r Lester Sheriff

Whereupon the said John Elzey Garnishee of the aforesaid Thomas Maddocks appears in his own proper
person and says that he cannot Garnishee but that he has of the rights and Credits of the said Thomas Maddocks
to the Value of three hundred and forty eight pence to be paid in Case, but the same ought to be Condemned
in his hands for the Use of the said Benjamin Cottman as of the rights and Credits of the said Thomas
Maddocks which the said Jst does not Garnishee

Whereupon the said Benjamin Cottman by his attorney aforesaid prays that the sume aforesaid as aforesaid
Conferred by the said John Elzey as of the rights and Credits of the said Thomas Maddocks may be Condemned
in the hands of the said John Elzey towards Satisfying unto the said Benjamin Cottman as well the sume