

November Court 1723 125

The within Writ to me directed ~~to the Justice~~ I have attached in the hands of John Scott the Sum of Eighteen hundred pounds of tobacco as the rights and credits of King George and I further certify that I have given Notice unto the said John Scott that he be and appear at the time & place within Contained to show Cause & be for Hugh Carter & John Doe good & Lawfull men of my Bailiwick as by the within writ I am commanded to answer. Jos: McCarter Clerk

Whereupon the said John Scott garnishee of the said King George appears in his own proper person and says that he cannot garnishee but that he has of the rights and credits of the said King George (that is to say) a feather Bed nor can he say but that the same ought to be condemned in his hands for the use of the said Thomas Dashiell as of the rights and credits of the said King George which the said John Scott does not garnishee.

Whereupon the said Thomas Dashiell by his attorney asks pray, that the feather Bed aforesaid upon giving security according to act of assembly, so as aforesaid by the said John Scott as of the rights & credits of the said King George may be condemned in the hands of the said John Scott towards satisfying unto the said Thomas Dashiell his debt of & also all costs accruing upon the Writ of attachment aforesaid.

Thereupon Lewis Gale of Somerset County Justice: Present here in Court asks undertakes for the said Thomas Dashiell according to act of assembly that in case the said King George do at any time within a year and a day appear and make all or any part of the claim of the said Thomas Dashiell against him appear to be satisfied or otherwise to have been made before the day of this attachment that then the said Thomas Dashiell shall make restitution unto the said King George of all or such part as shall be made appear to be undischarged or that he the said Lewis Gale will do it for him.

Wherefore it is considered by the Justice here the Nineteenth day of November and doth One thousand Seven hundred and twenty three that the feather Bed aforesaid so as aforesaid be condemned in the hands of the said John Scott as of the rights and credits of the said King George towards satisfying unto the said Thomas Dashiell as well the Sum of Eighteen hundred pounds of tobacco as also the costs accruing upon the writ of attachment aforesaid and that the said Thomas Dashiell have his Execution thereof against the said John Scott according to act of assembly.

Thomas Dashiell

ag^t
Robert Cery

memorandum the 28th by his attorney Sued Out his Lordships writ of attachment against the

Def^t. the tenant whereof is following in these words. vizt. Somerset County Justice: absolute Lord and propriety of the provinces of Maryland and avon Lord Baron of Baltimore & To the Sher^{of} of Somerset County greeting We Command you that you attach any the goods chattels rights or credits of Robert Cery late of allhollows parish in the County of Somerset planter if they shall be found in your Bailiwick to the value of twelve 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 Justice of Our County Court to be held at Dividing Creek in Somerset County aforesaid the third Tuesday of November next then and there to be condemned according to act of assembly to and for the use of a certain Thomas Dashiell unless the said Robert Cery by himself or his attorney appear and answer unto the said Thomas Dashiell in answer of the writ upon the 28th according to Law and that by good and Lawfull men of your Bailiwick you make known unto the person

(or)