

November Court --- 1723. 127

Default whereby the said ~~Defendant~~ Remains against the said Debt there of undepaid &c

Therefore it is Considered by the Justices here the Twentieth day of ~~August~~ ^{November} and Done One thousand Seven hundred and twenty three ^{that} the said Benjamin Walter ^{vs} against the said William Capper of the Indgmt ^{as well} for the Sum of One thousand three hundred and Sixty One pounds of Tobacco a certain Debt or also the Sum of One hundred & Ninety pounds of Tobacco Costs of Suit in the Indgmt ^{as specified} or also the Sum of Two hundred & Ninety four ^{pounds of Tobacco by the Court here adjudged} into him for his Costs and Damages Sustained by Occasion of Delay of Execution of the Indgmt ^{as}

The Same ^{ag^t} } memorandum: the gift by his attorney Sued Out his said writ of Summons against the said ^{ag^t} } Remains where of followeth in these words following viz. Somerset County ss. Charles absolute Lord and Proprietary of the provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Somerset County greeting Whereas a certain Benjamin Walter, lately in our County Court of Somerset to wit on the twentieth day of April in the Seventh Year of Our Dominion &c. and Done One thousand Seven hundred and twenty two before the worshipful Charles Ballard and his associates Justices of Our said Court at Dwiding Creek and by Consideration of Our said Court Obtained his Execution of a certain Indgmt. against a certain William Capper as well for the Sum of Ninety pounds two Shillings and four pence a certain Debt together with the Sum of a three hundred and twenty three pounds of Tobacco Costs of Suit or also the Sum of One hundred and Ninety pounds of Tobacco by the Court here adjudged into the said Benjamin Walter for his Costs and Damages Sustained by Occasion of Delay of Execution of the Indgmt. ^{as} where of the said William Capper is Comint as by the tenor & proofs thereof in Our said Court Remaining manifestly appears and for as much as Execution Remaneth there upon as yet to be done and Because we will that those things which in Our said Court are lawfully done and acknowledged Should be brought to adue Execution Command you that by good and Lawfull men of your Bailiwick you make Known unto the said William Capper if he Shall be found in your Bailiwick that he be appear before the Justices of Our County Court to be held at Dwiding Creek in Somerset County ^{at} the third Tuesday of August next to shew Cause if any thing for himself he hath or knoweth to say why the said Benjamin Walter his Execution of the Indgmt. ^{as} against him the said William Capper according to the form of the recovery ^{as} he Ought not to have if to him it Shall seem mete and have you then and there the Names of those by whom you make the same Known and this writt witness Charles Ballard Justice of Our said Court the 20th day of June in the Eighth Year of Our Dominion &c. and Done 1723 - Thomas Mayward &c

At which said third Tuesday of August to wit the twentieth day of the same month and Done One thousand Seven hundred and twenty three being the day of the return of the said writt Cometh the said Benjamin Walter by his attorney ^{as} and the Sheriff of Somerset County to whom the foregoing writt was directed was directed Likewise Cometh and maketh return thereof to the Court here Endorsed in these words following viz.

Therefore Comand is again given to the Sheriff of Somerset County that by good and Lawfull men of his Bailiwick he Should make Known unto the said William Capper that he be appear