

June Court 1723

of Sommersett County greeting We Command you that you attach any the goods Chattels rights or Credits of Jonathan Thurston late of Sommersett County if they shall be found in your Bailiwick to the Value of two pounds ten shillings and three 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 Court to be held at Disiding Creek the third Tuesday of June next then and there to be condemned according to act of assembly to aid for the Use of Captain Nehemiah Merick unless the said Jonathan Thurston by himself or his attorney shall appear and answer unto the said Nehemiah Merick in open of law upon the case and according to Law and that by good and lawful 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 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 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 mete and how you shall Execute this Writ that you make known unto Our said Justices at the day and place aforesaid and have you then and there this Writ Witness Charles Ballard Gent Chief Justice of Our said Court the 23 day of March in the Eighth Year of Our Dominion <sup>of Great Britain</sup> 1722 - (J. D. Shute) Thomas Hayward Esq -

At which said third Tuesday of June to wit the Eighteenth day of the same month and Count One thousand seven hundred and twenty three being the day of the return of the said Writ Comes the said Nehemiah Merick by his attorney aforesaid and the Sheriff of Sommersett County to whom the foregoing writ was directed Likewise Comes and makes return thereof to the Court here Endorsed in these words to wit

By virtue of the Within Writ to me directed to the Justices Within Mentioned I have attached in the hands of Richard Wallis and summoned him as Garnishee, the goods and Chattels of the Within Named Jonathan Thurston three hundred and seventy <sup>two</sup> pounds of tobacco 1. 13. 00 and thirty six Bushells and one peck of Salt as also one Cork Barrel 2/6 and I have made known unto the said Richard Wallis that he be appear before the Justices within Mentioned at the day and place within Contained to show Cause if any he have why the said Several Sums of money and tobacco so attached in his hands as the goods and Chattels of the said Jonathan Thurston should not be condemned and Execution thereon made Before the Doct & Right Roe good and Lawfull men of my Bailiwick as by the Writ to me I am Commanded so answer For M. Foster Sheriff

Whereupon the said Richard Wallis altho' solemnly called Comes not nor Shows Cause why but makes default whereby the said Sums Remains thereof wholly Undepaid

Whereupon the said Nehemiah Merick by his attorney aforesaid prays that the Several goods and tobacco attached of the value of five pounds Eight Shillings as of the rights and Credits of the said Jonathan Thurston may be condemned in the hands of the said Richard Wallis towards Satisfying unto the said Nehemiah Merick or the sum of two pounds ten Shillings and three hundred pounds of tobacco as also the Costs amounting upon the writ of attachment aforesaid

Therefore it is Considered by the Justices here the Eighteenth day of June and Count One thousand seven hundred and twenty three that the said Sums of three hundred & seventy two pounds of tobacco of the value of one pound thirteen Shillings; thirty six Bushells & one peck of Salt of the value of three pounds twelve Shillings and six pence and one cork Barrel of the value of two Shillings and six pence as aforesaid be condemned in the hands of the said Richard Wallis as of the rights and Credits of the said Jonathan Thurston towards

(Satisfying)