

August Court - - - 1723 - - - 96

H^{ts} Benjamin Wailer }
 ag^t }
 John Fleetwood - - - }
 Sirefais against the defendant the tenor whereof followeth in these words viz
 Somerset County sh^{ts} Charles absolute Lord and proprietor of the Province of Maryland
 and as also Lord Baron of Baltimore &c To the Sherrif of Somerset County Greeting Whereas a certain Benjamin
 Wailer lately in the County Court of Somerset on the Eighteenth day of August in the Seventh Year of Our Dominion &c
 Ann^o Dom^o One thousand Seven hundred and twenty two Before the Worshipful Charles Ballard and his associates
 then Justices of Our said Court (at Dividing Creek) and by consideration of Our said Court, recovered against a certain
 John Fleetwood of Stequoy parish in Somerset County planter as well the Summe of two thousand Eight hundred
 and Sixty four pounds of tobacco a certain Debt, as also the Summe of three hundred and fifty four pounds of
 tobacco Costs of Suit, whereof he is Convict as by the Record and process thereof in Our said Court remaining
 manifestly appears, and for as much as Execution remaineth thereupon as yett to be done and because wile that
 those things which in Our said Court are rightly done and acknowledged should be brought to adme Execution
 Command you that by good and Lawfull men of your Bailiwick you make known unto the said John Fleetwood
 that he be and appear before the Justices of Our County Court to be held at Dividing Creek in Somerset County
 the third Tuesday of August next to shew Cause if any thing for himselfe he hath or knoweth to say why
 the said Benjamin Wailer his Execution of the Judg^{mt} ag^t against him the said John Fleetwood according to the
 form of the recovery ag^t he ought not to have if to him it shal seem mete and have you then there the
 Names of those by whom you make the same known and this Writt Witness Charles Ballard Gent: Chief
 Justice of Our said Court the Nineteenth day of June in the Eighth year of Our Dominion &c and Dom^o: 1723
 (Allen) Thomas Hayward &c

At which said third Tuesday of August to witt the twentieth day of the same month and dom^o One
 thousand Seven hundred and twenty three Being the day of the return of the said Writt Cometh the said
 Benjamin Wailer by his attorney ag^t and the Sherrif 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 vizt.

By vertue of the within writt to me directed to the Justices within Mentioned I Certifie that I have
 given Notice to the within Named John Fleetwood that he be and appear at the time and place within
 Contained to shew Cause if any he have why the within Mentioned Benjamin Wailer shall not have his
 Execution against him for the debt and Costs within Contained according to the form of the recovery if to him
 it shal seem mete Before Abraham Ingram and Samuel Oliver good and Lawfull men of my Bailiwick
 as by the within Writt I am Commanded so answer Joseph Maccler other

Whereupon the said Benjamin Wailer by his attorney ag^t prays that the said John Fleetwood
 to his writt of Sirefais ag^t may answer But the said John Fleetwood altho' solemnly called comes not
 nor shew Cause why &c but makes default whereby the said writt remaine against the said deft thereof
 undefended - Therefore it is Considered by the Justices here the twentieth day of August -
 and Dom^o: One thousand Seven hundred and twenty three ag^t that the said Benjamin Wailer have
 his Execution against the said John Fleetwood for as well the Summe of two thousand Eight hundred
 (pounds)