

August Court 1723 96

328) pounds of tobacco his debt & also the sum of three hundred and fifty four pounds of tobacco costs of Suit in the Judgment & specified as also the sum of three hundred and twenty eight pounds of tobacco by the Court here adjudged into him for his Costs and Damages sustained by Quasion of Delay of Execution of the Judgment &c.

Benjamin Wailes

memorandum the Gift by Francis Allen his attorney sued out his Lordship's writ against the defendant the tenour of whereof followeth in these words viz. - Somerset County for Charles absolute

William Denton Junr Lord and Proprietane of the Province of Maryland and Avalon Lord Baron of Baltimore &c. to the Sherif of Somerset County greeting Whereas a certain Benjamin Wailes of Somerset County lately in our County Court of Somerset on the twenty eighth day of March in the eighth year of our Dominion &c. Bond. One thousand seven hundred and twenty the Before the Worshipful Charles Ballard and his associates Justices of our said Court at Dividing Creek, and by consideration of our said Court received against a certain William Denton Junr. of Rowenty Parish in Somerset County planker as well the sum of four hundred and Ninety pounds of tobacco a certain Debt as also the sum of three hundred and sixteen pounds of tobacco Costs of Suit, whereof he is Committed as by the record and proof thereof in our said Court remaining manifestly appears and forasmuch as Execution remaineth thereupon as yett to be done and Because wee will that those things which in our said Court are rightly 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 Denton Junr that he be and appear before the Justices of our County Court to be held at Dividing Creek in Somerset County at the thirteenth day of August next to shew Cause if any thing for himselfe he hath or knoweth to say why the said Benjamin Wailes his Execution of the Judgment &c against him the said William Denton Junr according to the form of the recovery of

he ought not to have if to him it shall seem meet and leave 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 thirteenth day of June in the eighth year of our Dominion &c. and Done: 1723 Thomas Hayward

At which said thirteenth day of August to with 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 Wailes by his attorney &c and the Sherif 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 vertue of the within Writt so medirected to the Justices within mentioned I certify that I have made known unto the within Named William Denton Junr; that he be and appear before the Justices within mentioned at the time & place within contained to shew Cause if any he hath or knoweth to say why the within Named Benjamin Wailes his Execution of the Judgment &c within mentioned against the said William Denton Junr according to the form of the recovery before Hugh Carter and John Doe good and Lawfull men of my Bailiwick as by the within Writt I am Comanded so on for Joseph Maulester Sherif

Whereupon the said Benjamin Wailes by his attorney &c prays that the said William Denton to his writt of Scirefacias &c may answer But the said William Denton altho' solemnly called comes not to shew Cause why &c but makes default whereby the said writt remaine against the said deft. Hereof undefended &c. (here fore)