

August Court 1726

167

J. Joseph M^r Cester
Thomas Dayfield

memorandum the pth by Leon Gab his attorney sued out his Lordships writt of attachment against the debts the tenor whereof followeth in these words vizt. Somersett by Charles absolute Lord & Proprietary of the Province of Maryland & avolon Lord Baron of Baltimore & Loydsheir.

of Somersett County Greeting we Command you if you attach any goods Chattels Rights or Credits of Thomas Dayfield Late of Somersett County Gent^r if they shall be found in your Bailly wick to y^e value of four thousand three hundred & Seventy Eight pounds of tob^o and when you have y^e same attached or any part thereof y^e same in your Custody safe keep so that you have y^e same Before the Justices of our County Court of Somersett to be held at Dividing Creek y^e third Tuesday of August Next to Satisfie unto J^r M^r Cester as well y^e Sum of three thousand Six hundred & Eighty One pounds of tob^o Certain Damages Recovered against him before the Justices of Our said Court as also the Sum of four hundred & thirty Six pounds of tob^o Costs of Suite whereof he is Convinced as all Costs accruing upon this Our writt of attachm^t if there shall be Condemned according to Law Sec^d 4th by good Lawfull men of your Bailly wick you make known unto the person or persons in whose hands you make y^e same attachm^t y^e he she or they be & appear before y^e Justices of Our said County Court to be held as afo^r to shew Cause if any he she or they have why the same goods Chattels Rights or Credits so attached in his her or their hands Ought not to be Condemned Execution thereof had & Made according to the form of y^e act of assembly in such Case made & provided if to him her or them it shall seeme due & how you shall execute this Writt that you make known unto our said Justices at y^e same Day & place afo^r & have you then & there this Writt Witness Samuell Stophin Gent^r Chief Justice of our said Court &c

At which said third Tuesday of August to wit the Sixteenth day of the same month and Dowd One thousand Seven hundred and twenty Six being the day of the return of the said Writt Cometh the said Joseph M^r Cester by his attorney afo^r and the Sher^{iff} of Somersett County to whom the foregoing writt was directed Likewise Cometh and makes return thereof endorsed thus. By virtue of y^e within Writt to me Directed I Certifie y^t I have attached Nine pounds fifteen Shillings in Cash of the Money of y^e within Named Thomas Dayfield which S^d Money I have in my hands ready to Satisfie y^e within Named J^r M^r Cester in part of his Debt & Cost within Mentioned but could not find any More goods or Chattels whereon I could Levy y^e Residue & answer from Allen the Whereupon the afo^r Joseph M^r Cester by his attorney afo^r prays that the afo^r Sum of Nine pounds fifteen Shillings in Cash so as afo^r attached as of the rights and Credits of the afo^r Thomas Dayfield may be Condemned in the hands of the afo^r Francis Allen towards Satisfying unto the afo^r Joseph M^r Cester as well the Sum of four thousand three hundred and Seventy Eight pounds of tob^o as also the Costs accruing upon this Our writt of attachment

Therefore it is Considered by the Justices here the Sixteenth day of August and Dowd One thousand Seven hundred and twenty Six afo^r that the afo^r Nine pounds fifteen Shillings Cash so as afo^r attached be Condemned in the hands of the said Francis Allen as of the rights and Credits of the afo^r Thomas Dayfield towards Satisfying unto the afo^r Joseph M^r Cester his damages & Costs afo^r and that the said Joseph M^r Cester have thereof his Ex^{ce} against the said Francis Allen according to act of assembly &c