

June Court. --- 1727 --- 272

Maryland a vobis Lord Baltimore & Co. Sheriff of Somerset County Greeting where as
Benj. Wailes lately in our County Court of Somerset here to witt of Eighteenth day
of June Anno Domini one thousand Seven hundred & Nineteen before Charles
Ballard Gent & his associates then our Justices of the same Court at Dividing
Creek & by consideration of the same Court recovered against Wm. Timmons
late of Somerset County Planter Seven hundred & twenty Nine p^{ts} of Tob^o w^{ch}
were adjudged for his Daw^t: which he sustained as well by occasion of the
nonperformance of a certain promise to y^e same Benj^t: by the afo^d Wm. Timmons
made as for his Costs & Charges by him about his Suite in that part & pended
whereof he is Compt as by the Record & proceedings thereof in our Court before
our Justices at Dividing Creek now remaining Manifestly appeareth Not:
withstanding Execution of the Judgment afo^d as yett remaind to be made as by the
Jurisdiction of the afo^d Benj^t: we have received & because we are willing that
which in our Court afo^d is lawfully acted shold be duly executed we Command
you y^e by good & Lawfull men of your Bailly w^{ch} you make known to y^e afo^d
Wm. Timmons y^e he be & appear before our Justices of our County Court to be
held at Dividing Creek in y^e County afo^d y^e third Tuesday of June Next to shew
Cause if of any thing for himselfe he hath or to say knoweth wherefore the
afo^d Benj^t: Wailes Execution ag^t him of y^e Daw^t: & Costs afo^d to have ought not
according to y^e forme of y^e Recovery afo^d if to him it seemeth Expedient & have
you there shew y^e Names of those by whom you make y^e same known & this
Writt willuey

At which said third Tuesday of June to witt the twelfth day of the same month said Dow.
Dow. One thousand Seven hundred and twenty Seven being the day of the Return of the said
Writt came the afo^d Benjamin Wailes by his attorney afo^d and the Sheriff of Somerset County to whom
the foregoing writt was directed Subscribed Cometh and maketh return thereto to the Court here
Endorsed in these words following vizt - made known of Francis Allen Sheriff

And the afo^d William Timmons altho' so ^{before} warned, being solemnly called Cometh not but maketh
default. Therefore it is considered that the afo^d Benjamin Wailes have his Execution against
the afo^d William Timmons of Seven hundred and twenty Nine pounds of tobacco his damages afo^d as
Two hundred & Sixty One pounds of tobacco to the same Benjamin by the Court here
adjudged according to the form of the Statute thereof lately made and provided for his Costs and Damages
sustained by reason of Delay of Execution of the Damages afo^d

The same ^{mentioned} the afo^d by Levi Galt his attorney sued out his Lordships Writt of Summons
ag^t Wm. Timmons. } the tenor whereof followeth in the word, vizt -
Somersetsh. Charles absolute Lord and Proprietary of the provinces of Maryland
and a vobis Lord Baron of Baltimore to the Sheriff of Somerset County Greeting
whereas Benj. Wailes lately in our County Court of Somerset here to witt of
Eighteenth day of June Anno Domini one thousand Seven hundred & Nineteen
before Charles Ballard Gent & his associates then our Justices of the same Court