

June Court ----- 1727 ----- 279

at Dividing Creek, & by Consideration of the same Court recovered against J<sup>d</sup>. Timmons  
late of Somerset & Carter fifteen hundred & Sixty two p<sup>d</sup>. of Tob<sup>o</sup>. which were  
adjudged for his Daw: which he sustained as well by occasion of the Nonpro-  
-formance of a certain promise to y<sup>e</sup> said Benj<sup>t</sup> by the a<sup>d</sup> J<sup>d</sup>. Timmons -  
made as for his Costs & Charges by him about his Suite in that part & y<sup>e</sup>  
whereof he is Comitt as by the records & proceedings thereof in our Court before  
our Justices at Dividing Creek now remaining Manifestly appeareth Notwith-  
-standing Execution of the Judgment as yett remaines to be made as by the In-  
-vocation of y<sup>e</sup> a<sup>d</sup> Benj<sup>t</sup>: we have received, & because we are willing, that what  
in our Court is lawfully acted should be duly executed we Command you  
by good & Lawfull Men of your Bailly with you Make known unto the a<sup>d</sup> John  
Timmons if he be & appear before our Justices of our County Court to be held  
at Dividing Creek in the County a<sup>d</sup> y<sup>e</sup> third tuesday of June next to shew Cause if  
of any thing for himselfe he hath or to say & defend wherefore y<sup>e</sup> a<sup>d</sup> Benj<sup>t</sup>  
wailes Execution ag<sup>t</sup> him of the Daw: & Costs to have ought not according to y<sup>e</sup>  
forme of the recovery a<sup>d</sup> if to him it seemeth Expedient & have you there  
the Names of those by whom you Make the same known & this writt will be

At which said third tuesday of June to witt y<sup>e</sup> twentieth day of the same  
Month anno Dom: one thousand Seven hundred & twenty Seven being y<sup>e</sup> day of  
return of y<sup>e</sup> said writt Cometh the a<sup>d</sup> Benj<sup>t</sup> Wailes by Virally a<sup>d</sup> the Sher-  
of Somerset County to whom y<sup>e</sup> foregoing writt was directed sheweth Cometh  
Maketh return thereof to the Court here Endorsed in these words Follow  
viz

Make known of Francis Allen Sher

Whereupon the a<sup>d</sup> Benjamin Wailes by his attorney a<sup>d</sup> prays that the a<sup>d</sup> J<sup>d</sup>  
-mons to his writt ~~of judgment~~ a<sup>d</sup> may answer but the a<sup>d</sup> John Timmons altho  
before warned being solemnly called Cometh not but makes default

Therefore it is Considered that the a<sup>d</sup> Benjamin Wailes sh<sup>o</sup> have his Execution  
against the a<sup>d</sup> John Timmons of fifteen hundred and Sixty two pounds of Tobaco his Daw  
and as Two hundred & thirty Seven pounds of Tobaco to the said

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Benjamin by the Court here adjudged according to the form of the Statute hereof lately made  
Provided for his Costs and Damages sustained by occasion of Delay & Execution of the Daw  
a<sup>d</sup> so

By The Same

Memorand<sup>m</sup> the D<sup>o</sup> by J<sup>o</sup>ns Gate his attorney, sued out his Ex<sup>o</sup> writt of Sum<sup>o</sup>  
against the D<sup>o</sup> the ten whereof followeth in these words viz

Mores Driskie and W<sup>o</sup> Somerset to Charles absolute & proprietary of the province of  
Maryland & Avalon J<sup>o</sup> Baron of Baltimore & J<sup>o</sup> further of  
Somerset Co<sup>y</sup> of greeting where as Benj<sup>t</sup> Waile lately in our County Court of