

June Court --- 1727 --- 273

Soudsett to witt on the Ninte teuth day of August and Dow: one thousand seven hundred & Ninte teen before Charles Ballard Gent. his associates then our Justices of our City Court of Soudsett, at Dividing Creek by Consideration of the Same Court we ordered: Dennis Driskill late of Soudsett County planter of y^e last will & testament of Edward Hammond dec^d. Fifteen hundred three of y^e £. for his Daw: which he sustained as well by occasion of y^e noaperformance of a certain promise & assumption to the Same Benj: by y^e said Edward in his Lifetime made as for his Costs & Charges by him about his Suite in y^e part Expeded where of y^e Same Dennis is Convict as by y^e record & process thereof in our Court before our Justices at Dividing Creek now remaining Manifestly appeareth Nevertheless Execution of y^e Judgment as yett remaigneth to be made & afterwards y^e said Dennis Driskill at Wickacoomb in the County of y^e made his testament: of last will in writing & by the same Constituted & ordained Honor Driskill of y^e City of his Executor of his testam^t: & afterwards there died, y^e said Honor afterwards died Intestate as tis said after whose Death administration of all & singular y^e goods & Chattles rights & Credits which were as well y^e said Edward Hammond & Dennis Driskill as y^e said Honor to Moses Driskill of the City of Blauter in due form of Law was Committed as by y^e Insinuation of y^e said Benj: Wailer we have received & because we are willing y^e those things which in our said Court are lightfully Done should be duly Executed we Command you y^e by good & Lawfull men of your Bailly with you Make known unto the said Moses Driskill y^e he be & appear before the Justices of our City Court of Soudsett to be held at Dividing Creek y^e third Tuesday of June next to shew Cause if y^e any thing for himselfe he hath or to say knoweth wherefore y^e said Benj: Wailer his Execution of y^e goods & Chattles which were of y^e said Edward Hammond at y^e time of his Death remaining to be administered, if so much thereof in his hands he hath, & if so much thereof in his hands he have not then two hundred & Sixty seven of y^e £. Costs of Suite part of the said Sum to be Levied of y^e proper goods & Chattles of y^e said Dennis Driskill according to the force form & Effect of y^e recovery and if to him it seemeth Expedient have you shew there y^e Names of those by whom you Make the Same known & this writt Witness &

At which said third Tuesday of June to witt y^e twentieth day of y^e Same Month and Dow: one thousand seven hundred & twenty seven being y^e day of y^e return of y^e said writt Cometh y^e said Benj: Wailer by his atty^e & y^e then of Soudsett County to whose y^e foregoing writt was directed likewise Cometh to Make the return thereof to the Court here Endorsed in these words following

Made known of Francis Allen Sher

And the said Benjamin Wailer by his attorney & says that the said Moses Driskill ad^d. as y^e to his writt and may answer, but the said Moses altho. so before warned being solemnly called Cometh not but makes default — Therefore it is Considered by the Court here the twentieth day of June and Dow: one thousand seven hundred and twenty seven that the said Benj: Wailer