

August Court ----- 1728 - 123

Memorandum the Bkts in his own proper Person sued out his Lordships writ of
Durestans against the Debt the tenor whereof followeth in these words viz. -
Thomas Layfield - Somerset sh. Charles absolute Lord and proprietary of the province of Maryland
and an alone Lord Baron of Baltimore &c. To the Sheriff of Somerset County Greeting whereas
Samuel Broughton lately in our County Court of Somerset hereto with the thirteenth day of November Anno.
Dom. one thousand seven hundred and twenty three, before Charles Ballard Gent^m and his associates then
Justices of our said County Court, at Dividing Creek and by consideration of the same Court Recovered against
Thomas Layfield of Coventry Parish in Somerset County Gent^m ad. Dist. Thomas Layfield of the province
of Maryland and County of Somerset as well a certain Debt of one thousand nine hundred and eight pounds
of Merchantable Lease tobacco and Cash as two hundred and forty ^{eight} pounds of tobacco which to the same amount
in our same Court were adjudged for his Costs and Damages which he sustained by occasion of the detaining
of that same Debt whereof he is Convict as by the Records and proceedings thereof in our Court before our
Justices at Dividing Creek, now remaining manifestly, appeareth, notwithstanding Execution of the
Judgment afo as yett Remaineth to be made as by the Intimation of the afo Samuel we have Received
and because we are willing that those things which in our Court afo are Rightfully Outed, ought to be
duely Executed we Command you that by good and Lawfull men of your Bailiwick you make known
unto the afo Thomas Layfield, that he be, before our Justices of our County Court of Somerset to be
hold at Dividing Creek the third tuesday of august next to shew Cause if any for himselfe he hath or
to say knoweth wherefore the afo Samuel Broughton Execution against him of the Debt and Damages
afo to have ought not, according to the Form of the Recovery afo, it to him it seemeth Expedient, and
have you then and there the Names of them, before whom to him you make known and this writt with
Samuel Hopkins Gent Justice of our said Court the twentieth day of June in the thirteenth year
of our Dominion &c.

All which said third tuesday of august to witt the twentieth day of the same month
Anno Dom. One thousand seven hundred and twenty Eight before his Lordships Justices of the
Peace for Somerset County at Dividing Creek Cometh the afo Samuel Broughton in his own proper
Person and the Sheriff of the County afo to witt Francis Allen Gent^m Returned that by virtue of
his Lordships writt afo to him directed he had made known unto the afo Thomas Layfield that
he be, before his said Lordships Justices of the Peace, at the time and place afo viz. by J^r Doe
Richard Roe honest and Lawfull men of his Bailiwick &c. And the afo Thomas Layfield so before
warned, the same day altho solemnly called comes not but makes default &c.

Therefore it is considered by the Court here that the afo Thomas Layfield of
Nine hundred and Eighty pounds of tobacco his debt afo as also two hundred and forty eight pounds of
tobacco his Damages afo by default as also
which to the same Samuel Broughton according to the form of the Statute in such case lately made and provid-
ed Recover ag^t the afo Thomas Layfield for his Costs Charges and Damages sustained by occasion of delay
of Execution of the Debt and Damages afo &c