

March Court . . . 1727 . . . 69

In our same Court before our Justices at Dividing Creek were adjudged for his Damages which he had by Omission of a certain promise and assumption to the same Joseph by the said Samuel Lately made and not performed whereof he is Remitt as by the Record and proceeding there: of us our same Court before our Justices Remaining Manifestly appears Nevertheless Execution of the Judgment afo as yet Remaneth to be made as by the Summation of the said Joseph M^r Carter We have received and because we are willing that those things which in our same Court are Rightly Acted ought to be duly Executed we Command you that by good and Lawfull men of your Bailiwick you make known unto the said Samuel Wheeler that he be before our Justices of our County Court of Somerset to be held at Dividing Creek the third Tuesday of November next to shew Cause if any for himself he hath or to say Know: etc wherefore said Joseph M^r Carter his Execution against him of the Damages afo. to have ought not according to the form of the Recovery afo. if to him it shall seem Expedient, and have you then and there this Name of them by whom you make the same known and this Wittⁿ Wittnesses said Hopkiss Gent Justice of our said Court the 15th day of Aug^r in the 12th Year of our Dominion W^m.

All which said third Tuesday of Novemb. to witt the twenty first day of the same month and Dow. One thousand Seven hundred and twenty Seven being the day of the return of the said Wittⁿ, Cometh the said Joseph M^r Carter by his attorney afo and the Sherif of Somerset County at the said day Returned that the said said Wheeler hath nothing, W^m nor is found W^m.

Therefore Command is again given to the Sherif of Somerset County that by good and Lawfull men of his Bailiwick he should make known unto the said Samuel Wheeler that he be, before the Justices of his Lordship's County Court of Somerset to be held at Dividing the third Tuesday of March then Next to shew in form afo if W^m and further W^m and the same is Given to the said Sherif here also W^m -

All which said third Tuesday March to witt the Nineteenth day of the same month and Dow. One thousand Seven hundred and twenty Seven being the day of the return of the same Wittⁿ Cometh the said Joseph M^r Carter by his attorney afo and Offers himself against the said Samuel of the Glea afo and he altho' solemnly Called Cometh, Not but makes default and the said Sherif as before made ^{hereat} return that he hath nothing W^m nor is found W^m.

Therefore it is Considered by the Court here the Nineteenth day of March and Dow. One thousand Seven hundred and twenty Seven that the said Joseph M^r Carter have his Execution against the said Samuel Wheeler of eleven hundred and seventy Nine pounds of Tobacco his Damages afo according to the true form and Effect of the Recovery afo as also Two hundred and Twenty five . . . pounds of Tobacco for his Costs and Damages Sustained by Omission of delay of Execution of the Judgment afo according to the form of the Statute in such Case Lately made and provided W^m