

March Court --- 1727 --- 73

Mr Jos: Cumberton } Memorandum the Eff<sup>th</sup> in his own proper person sued out his Lordships  
Ebenzer Cook } writ of attachment against the Eff<sup>th</sup> the tenor whereof followeth in these  
Words vid: Somerset p. Charles absolute Lord and Proprietary

of the provinces of Maryland and Avalon Lord Baron of Baltimore &c. Do the former of  
Somerset County greeting Comend you that you attach any the goods Chattels Rights or  
Credits of Ebenzer Cook of Somerset County Gent if they shall be found in your Bail:  
to the value of four hundred and fifty pounds of Tob<sup>o</sup>: and when you have the  
same so attached or any part thereof to come in your custody safe keep so that you have  
them before the Justices of our County Court of Somerset to be held at Dividing Creek the  
third Tuesday of next next then and there to be condemned according to act of Assembly  
to and for the use of a certain Joseph Cumberton unless Dr: Ebenzer Cook by himselfe or  
his attorney shall appear and answer unto the said Joseph Cumberton in a plea of  
tres pass upon the case &c. according to law and that by good and lawful means of your  
Bailly with you make known unto the person or persons in whose hands you make the same  
attachment that he or she or they be and appear before the Justices of our County Court to  
be held as aforesaid to shew cause if any he or they have why the same goods Chattels  
Rights or Credits so attached in his or their hands ought not to be condemned of mention  
thereof had and made according to the form of the act of Assembly in such case made & provid:  
ed if to him her or them it shall seem meet and how you shall execute this Writ that you  
make known unto our said Justices at the day and place aforesaid and have you then & there this  
Writ Writings Signed & sealed with the Justice of our said Court the twenty fifth day  
of November in the twelfth year of our Dominion &c.

At the which said third Tuesday of March to witt the nineteenth day of the same month  
ann: Dowd One thousand seven hundred and twenty seven being the day of the Return of  
the said writ Cometh the said Joseph Cumberton in his proper person and the former of Som:  
erset County to whom the foregoing writ was directed Likewise Cometh and makes the Return  
thereof to the Court here bid: attached for value in the hand of Fran: Allen friend  
of Mr: Cumberton Coroner

Whereupon the said Joseph Cumberton Prays that the said sum aforesaid attached in the  
hands of the said Fran: Allen, as of the Rights and credits, of the said Ebenzer Cook, may  
be condemned in the hands of the said Fran: Allen towards Satisfying unto the said Mr: Cumberton  
the sum of four hundred and fifty pounds of Tob<sup>o</sup>: aforesaid, as also costs answering upon the writ  
of Attachment aforesaid Whereupon the said Fran: Allen alledg: solemnly called in answer not but makes default &c.

Therefore it is Considered by the Court here that nineteenth day of March  
One thousand seven hundred and twenty seven that the said sum of four hundred and fifty pounds  
of Tobaco so as aforesaid attached in the hands of the said Fran: Allen as of the Rights and Credits of the  
said Ebenzer Cook, may be condemned in the hands of the said Fran: Allen Towards Satisfying unto  
the said Mr: Cumberton the sum of four hundred and fifty pounds of Tobaco aforesaid as also costs upon  
the writ of attachment aforesaid and that the said Mr: Cumberton have there of his Execution against the  
said Fran: Allen according to act of Assembly in such case made and provided &c.