Parker & the Sum so as aforesaid attached in his hands may be Condemned in his hands as of the Rights & Credits of the said John Falconar towards satisfying unto the said Richard Bennett Esqr as well his Damages in the Writ of Attachment aforesaid specifyed as his Costs & Charges arising by Occasion of the Premisses aforesaid.

Whereupon a Certain Daniel Dulany of Ann Arundell County Esqr present here in Court undertakes for the said Richard Bennett Esqr that in Case the said John Falconar shall at any time within a year and a Day appear & make all or any part of the said Richard Bennett Esqr his Claim against appear to be satisfyed or otherwise to have been undue before the laying of this Attachment that then the said Richard Bennett Esqr shall make restitution unto him the said John Falconar of all or such part thereof as shall so be made appear to be undue &c Or that he the said Daniel Dulany will doit for him —

Therefore it is Considered by the Justices here the 18th Day of October Anno Dom 1737 aforesaid that the said Sum of One pounds Eight Shillings & nine pence Ster so as aforesaid attached & the Sum so as aforesaid Confessed by the said Gabriel Parker be Condemned in his hands as of the rights & Credits of the said John Falconar towards satisfying unto the said Richard Bennett Esqr as well his Damages in the Writ of Attachment aforesaid specifyed as his Costs & Charges arising by Occasion of the Premisses aforesaid And that he have thereof his Execution against the said Gabriel Parker according to Act of Assembly &c —

Mond. The Pltfs Attorney acknowledges to have received Satisfaction for the above Sum

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Dd Richard Bennett Esqr } Mond. The Pltfs sued out his Lordships Writ of Attachment
a } the Tenor whereof follows in these Words (Vizt)
John Falconar - - } Maryland ss.

Charles Absolute Lord & Propry of the Province of Maryland & Avalon Lord Baron of Baltimore &c To the Sheriff of Somerset County greeting We Command you that you attach any the Goods Chattells Rights or Credits of John Falconar late of London Merchant if they shall be found in your Bailywick to the Value of three hundred & nine pounds two Shillings & eight pence Sterling & ten thousand pounds of Tobacco & when you have the same so attached or any part thereof the same in your Custody safe Keep so that you have the same before the Justices of our Provincial Court to be held at Annapolis the third Tuesday of October next then & there to be Condemned according to Act of Assembly to & for the use of a Certain Richard Bennett Esqr Unless he the said John Falconar by himself or his Attorney shall appear & answer unto the said Richard Bennett Esqr in a plea of Trespass upon the Case according to Law & that by good & Lawfull men of your bailywick you make known unto the Person or Persons in whose hands you make the same Attachment that he she or they be & appear before the Justices of our said Court to be held as aforesaid to show Cause if any he she or they have why the Same Goods Chattells rights or Credits so attached in his her or their hands ought not to be Condemned and Execution thereof had & made according to the Directions of the Act of Assembly in that Case made & provided if to him her or them it shall seem meet and

(how)

how you shall Execute this Writ that you make known unto our said Justices at the Day & place aforesaid & have you then & there this Writ Witness Levin Gale Esqr Chief Justice of our Provincial Court the 27th Day of May in the 23d year of our Dominion & Annoq Dom 1737 —

Duplicate issued Sept. 5th 1737. (Dulany) Wm Ghiselin Clk

At which said third Tuesday of October to wit the 18th Day of the same Month Anno Dom 1737 being the Day of the return of the aforegoing Writ Comes the said Richard Bennett Esqr by Danl Dulany his Attorney And the Sheriff of Somerset County to whom the same Writ was Directed likewise Comes & makes return thereof to the Court here thus indorsed (Vizt)

I humbly Certify to the Justices within mentioned that by Virtue of the within Writ to me directed on the fifteenth Day of October Anno Dom One thousand Seven hundred thirty & Seven at Stepney Parish in Somerset County within my Bailywick I attached in the hands of Levin Gale Esqr the Value of Eighteen pounds fifteen Shillings & nine pence Sterling of the Goods & Chattles of the within named John Falconar late of London Merchant to be Condemned to & for the use of the within Written Richard Bennett Esqr according to the form of an Act of Assembly in Such Case lately made & provided And I further Certify that I have made known unto the said Levin Gale Esqr by Charles Dashiel & John Trusty two good & Lawfull men of my Bailywick that he & appear before the Justices within written at the Day & place within Contained to show Cause why those Goods & Chattells so attached as aforesaid in his hands should not Condemned & Execution thereof had & made to the use of the aforesaid Richard Bennett Esqr according to the form of the Act of Assembly aforesaid — So answereth John Henry Sheriff Cecil County —

Whereupon the said Levin Gale Esqr in his Proper person appears & says that he Cannot Gainsay but that he has of the Goods & Chattells of the said John Falconar in his hands the Sum of ten pounds Sterling part of the Sum so as aforesaid attached nor Can he Say but that the said Richard Bennett Esqr ought to have Condemnation thereof —

Whereupon the said Richard Bennett by his Attorney aforesaid prays that upon giving Security according to Act of Assembly the said Sum of ten pounds Sterling so as aforesaid Confessed & part of the Sum so as aforesaid Attached in the said Levin Gales hands may be Condemned in his hands as of the Goods & Chattells of the said John Falconar towards satisfying unto the said Richard Bennett as well his Damages in the Writ of Attachment aforesaid specifyed as his Costs & Charges arising by Occasion of the Premisses aforesaid.

Thereupon a Certain Daniel Dulany of Ann Arundell County Esqr present here undertakes for the said Richard Bennett that in Case the said John Falconar shall at any time within a year & a Day appear & make all or any part of the said Richard Bennett his Claim against him appear to be satisfyed or otherwise to have been undue before the laying of this Attachment that then the said Richard Bennett shall make restitution unto him the said John Falconar of all or such part thereof as shall so be made appear to be undue &c Or that he the said Daniel Dulany will do it for him —

Therefore it is Considered by the Justices here the 18th Day of October Anno

(Dom)