Dom John Dodd — Vs — Vogate Reeves Jacob Miller & Barlon Smoot for the Lord Seymour —

Mr the said John Dodd by Thos Mannemaire his attorney sueth out his writ of Capias against the said Vogate Reeves Jacob Miller & Barlon Smoot of which follows in the words & figures the tenor of which follows in the words & figures

Maryland ss — Anne by the Grace of God of Great Buttaine ffrance and Ireland Queen defender of the faith &c To the sheriff of Charles County Greeting wherear Vogate Reeves Jacob Miller and Barlon Smoot of Charles County planter the twentyeth day of November in the tenth year of our reigne Came into our County Court of Charles County held at Porobacco before our Justices of the said County Court and became Securities and every one of them by himself became for the Lord Seymour of Charles County Esq unto John Dodd in the Summe of thirty pounds sterling in a plea of Respass upon the Case in our said Court there depending between the said John Dodd plff and the said Thomas Seymour late of Charles County Esq deft to the said Summe the said Vogate Reeves Jacob Miller and Barlon Smoot yielded to and granted and each of them for themselves and their heirs to be made and levyed of their lands and Chattels to the use and behoof of the said John Dodd On Condition that if it should happen Judgment in the same Court in the plea aforesaid to be had and obtained that then the same Thomas Seymour should be had and obtained that then the same Thomas Seymour should satisfie or his body which to the said John Dodd by Occasion of the plea aforesaid the said Thomas Seymour in the same Court there should be adjudged would satisfie or his body in Execution of such Judgment to the Custody of the sheriff would render &c And whereas the record and process of the plea aforesaid by vertue of our writ of Certiorari to our Justices aforesaid directed with all things touching the same the plea aforesaid undertimined was sent before our Justices of our prov Court held at Annapolis the seventh day of October Anno Domini fourteen hundred and twelve And whereas the said John Dodd lately in our prov Court held at the City of Annapolis aforesaid the fourteenth day of August in the twelfth year of our reigne Anno Domini One thousand Seven hundred and thirteen by Judgment of our said Court recovered against the said Thos Seymour in the plea aforesaid as were the Summe of thirteen pounds four shillings and three pence Curr money Certain damages which the said John Dodd sustained by Occasion of the Non performance of the Promise and Assumpsit of him the said Thomas Seymour as one thousand three hundred and thirty Nine pounds of Tobacco of him the said John Dodd adjudged for his cost and Charge in the said Suit laid out and bestowed whereof the said Thos is Convict as by the record and Process thereof remaining in our said prov Court before our Justices of the same Court manifestly appeareth Nevertheless the said Thomas Seymour the damages and costs aforesaid to the said John Dodd hath not paid nor his body in Execution to the Custody of the sheriff hath not rendered as by the Insinuation of the said John Dodd in our prov Court aforesaid we have received, Wherefore the said John Dodd hath supplicated unto us remedy for him in that pt to provide, And because we will that the Ministry which in our said prov Court & County Courts are rightly done and administred

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should be brought to a due Execution We Command you that by good and lawfull men of your bailywick you make known Vogate Reeves Jacob Miller and Barlon Smoot that they be and appear before the Justices of our prov Court to be held at Annapolis the Second tuesday of October next to shew Cause if any thing for themselves they have or know to say why the said John Dodd his Execution of the said Summe of thirty pounds sterling against them the said Vogate Reeves Jacob Miller & Barlon Smoot according to the Acknowledgment and recovery aforesaid he ought not to have if to them it shall seem meet and have you then there the names of those by whom you make the same known and this writt Witness John Holland Esq Chief Justice of our said Court the 18th day of July in the 12th year of our reigne Anno Domini 1713

(Dullany) — J Bealle Cl

AND which said Second tuesday of October to wit the 13th day of the same month Anno Domini 1713 being the day of the return of the said writt County the said John Dodd by his attorney aforesaid and the sheriff of Charles County to whom the aforegoing writt was directed likewise Comes & makes return thereof to the Court aforesaid in these words viz — I certifie to the Justices within Contained that by vertue of the within writt to me directed I have made known to the within named Vogate Reeves Jacob Miller and Barlon Smoot that they be and appear before the Justices at the day and place within prescribed to shew Cause why the within named John Dodd his Execution of the Summe of thirty pounds sterling against them the said Vogate Reeves Jacob Miller & Barlon Smoot according to the Acknowledgment and recovery within Contained ought not to have before Richd Dodd & John Howard two good and lawfull men as I am hereby Commanded

Cl Answers — Thos Dent sheriff —

Whereupon the said Vogate Reeves Jacob Miller and Barlon Smoot by Thomas Bordley their attorney Come and pray Leave to Imparle hereunto until the next Court and they have it and the same day is given to the plff also —

At which said next Court to wit the 15th day of October Anno Domini 1714 Come again the said parties plff and deft and the said their attorneys aforesaid and the said deft by their said attorney pray further Leave to Imparle thereunto until the next Court and they have it and the same day is given to the plff also —

At which said next Court to wit the 15th day of July Anno Domini 1714 Come again the said parties plff and deft by their said attorneys aforesaid and the said deft by their said attorney protesting that there is not any such record of the recovery aforesaid in form aforesaid taken in the prov Court aforesaid of the said Lady the Queen remaining before the Justices of the same Lady the Queen at the same John Dodd in law doth not and hath above alledged for a plea say that the aforesaid writt of Scire fac in Manner and form aforesaid out of the prov Court of the said Lady the Queen here ought not to issue and the matter therein Contained is not sufficient in law for the said Richd his Execution aforesaid against them the said Vogate Reeves Jacob Miller and Barlon Smoot or any of them to have and

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