indebted to a Certain Richard Smith Junr in the Sum of two hundred ninety Pounds —
Sterling Vizt on the fifteenth day of March in the year of our Lord Seventeen hundred
& thirteen at Ann Arundell County afsd being for Sundry disbursements before that time
there made by the said Richard for the use of the said Arden at his Special instance and
request of the said Arden And for Sundry Services by the said Richard at the Special instance
& request of the said Arden before that time done & performed to be paid to the said Richard
when he the said Arden should be thereunto requested Which said Sum of two hundred
ninety nine Pounds Sterling the said Arden (altho requested) to the said Richard having
not paid the said Richard Smith afterwards impetrated & obtained out of the Provincial
Court of the Lady Anne late Queen of Great Britain held at the City of Annapolis in
Ann Arundell County her said Majestys Writ of Capias ad respondendum bearing
Teste the twenty fourth Day of October Seventeen hundred & thirteen Commanding
the Sheriff of Calvert County that he should take Arden Carleton late of the City of London
Merchant If he should be found in his Bailywick & him safe keep so that he might
have his Body before the Justices of her then Majesties Provincial Court to be held at Anna=
=polis the Second Tuesday of April then next to answer unto Richard Smith Junr of a Plea of —
trespass upon the Case. At which said Second Tuesday of April last mentioned (Vizt) the
thirteenth Day of the said Month of April in the year One thousand Seven hundred &
fourteen John Brome being then Sheriff of Calvert County afsd returned to her then —
Majesties Provincial Court in the term of the said Court held at the City of Annapolis
afsd the last mentioned thirteenth Day of April the said Writ with an Indorsement —
purporting that he the said Arden was not to be found in his Bailywick And that he the
said John Brome Sheriff as afsd had left a Short Note whereupon in the said Plea in the
said Provincial Court held at the said City of Annapolis on the said thirteenth Day of —
April last mentioned there were Sute Proceedings that by Consideration of the same Proc.
Court then & there held It was Considered that the said Richard Smith should by the —
Judgment of the said Court recover against the said Arden Carleton as well the Sum of
two hundred ninety nine Pounds Sterling his Damages as all Costs & Charges by the
said Richard Smith laid out & expended about the said Suit by way of Attachment —
against the Goods Chattells rights & Credits of the said Arden Carleton according to the Act
of Assembly in that Case made & provided as by the said Record & Proceedings thereon here
in the said Provincial now remaining of Record more fully appear And the said Thomas
Brooks further saith that the said Richard Smith afterwards & after the making of the Writing
Obligatory afsd & before the issuing & impetration of the afsd Writ by the said Thomas Brooks
against the said Thirteenth (Vizt) the twenty first Day of April in the Seventh year of the —
Dominion of the Right Honible the Lord Baltimore that now is &c And in the year of our Lord
One thousand Seven hundred & twenty two the said Sum of two hundred & ninety nine —
Pounds Sterling or any Part thereof & the Cost recovered by the said Judgment not being
Satisfyed & the said Judgment being in full force & Virtue And the said Richard Smith by
Virtue of the said Judgment Claiming a Right to the said Sum of two hundred & forty Eight
Pounds Seventeen Shillings & Six Pence Sterling paid by the said Thomas Brooks to the —
said Thomas Hammonds as afsd impetrated & obtained his Lordships Cross Writ of Attachment
to be issued out of his Lordships said Provincial Court Commanding the Sheriff of Prince —
Georges County that he should attach any of the Goods Chattells rights or Credits of the said
Arden Carleton late of the City of London Merchant if they should be found in his Bailywick
to the value of two hundred ninety nine Pounds Sterling & fifteen thousand Pounds of
Tobacco & whom he had the same attached or any part thereof the same in his custody
should safe keep so that he should have the same before the Justices of the said Provincial Court to
be held at Annapolis the Second Tuesday of September next & there to be Condemned according

to Act of Assembly to & for the use of the said Richard Smith Junr Unless he the said Arden Carleton —
by himself or his Attorney should appear & answer unto the said Richard Smith in a Plea of
Trespass upon the Case according to Law And that by good & Lawfull Men of his Bailywick he
should make known unto the Person or Persons in whose hands he should make the same —
Attachment that he she or they should be & appear before the Justices of the said Provincial
Court to be held as afsd to show Cause if any he she or they should have why the same Goods —
Chattells Rights or Credits so attached in his her or their hands ought not to be Condemned &
Execution thereof had & made according to the direction of the Act of Assembly in that Case
made & provided if to him her or them it should seem meet And how he should Execute that
Writ that he should make known unto the said Justices at the Day & place afsd And that he —
should have then & there the afsd Writ At which Second Tuesday of September Vizt the Eleventh
Day of the same Month in the year of our Lord Seventeen hundred & twenty two Came the —
said Richard Smith by Daniel Dulany his Attorney into the said Provincial Court And also —
Philip Lee then being Sheriff of the said Prince Georges County Came into Court & made the following
return of the said Writ (Vizt) that he by Virtue of the said Writ to him directed on the first Day of Sept.
in the year of our Lord Seventeen hundred & twenty two attached of the Rights & Credits of the there
in named Arden Carleton in the hands of Thomas Brooks Esqr Two hundred ninety nine Pounds
Sterling & fifteen thousand Pounds of Tobacco to be Condemned according to Act of Assembly for the
use of the said Richard Smith Junr And that he had made known unto the said Thomas Brooks
that he should be & appear before the Justices at the Day & place therein mentioned to show Cause
if any he had why the same Money & Tobacco so attached in his hands should not be —
Condemned & Execution thereon had & made according to Law for the use afsd before Alex.r Contee
& Thomas Brooks Junr good & Lawfull men of his Bailywick As by the said Writ he was Commanded
whereupon in the Term of the said Provl Court held at the City of Annapolis afsd on the said —
Second Tuesday of September Vizt the Eleventh Day of the same Month of September in the
year of our Lord Seventeen hundred & twenty two the said Thomas Brooks by Thomas Bordley
his Attorney Came & prayed leave to imparle thereunto untill the then next Court & he had it
And the same Day was given to the said Richard Smith. At which said then next Court to wit the
ninth Day of April in the year of our Lord Seventeen hundred & twenty three Came again as —
well the said Richard Smith Junr by his Attorney afsd as the said Thomas Brooks Esqr in his Capacity
afsd by his Attorney afsd And the said Thomas Brooks Esqr by his said Attorney prayed further
leave to imparle thereunto untill the then next Court & he had it And the same Day was given
the said Richard Smith Junr Also. At which said then next Court to wit the tenth Day of September
in the year of our Lord Seventeen hundred & twenty three Came again as well the said Richd
Smith Junr by his Attorney afsd And the said Thomas Brooks Esqr in his Capacity afsd by his Atty afsd
And the said Thomas Brooks Esqr by his said Attorney said that the afsd Richd Smith Condemnation
of the Premisses so as afsd Attached against the said Thomas ought not to have because he said
that at the time of laying the Attachment afsd in the hands of him the said Thomas Brooks he had
not nor at any time since had any of the Goods Chattells Rights or Credits of the said Arden Carleton in
in the hands of him the said Thomas Brooks as by the Writ & return afsd were above supposed And
this he was ready to verify Wherefore he prayed Judgment if the said Richard Smith Condemna=
=tion of the Premisses so as afsd attached against him to have Ought &c And the said Richard
said that he by anything above alledged from having Condemnation of the Premisses agt —
the said Thomas Brooks ought not to be precluded because he said that the said Thomas on the day
of laying the same Attachment in his hands Vizt the first Day of September in the year —
of our Lord Seventeen hundred & twenty two had of the Goods Chattells & Credits of the said Arden —
in his hands to the value of the Money & Tobacco in the Attachment afsd & the return thereof —
mentioned to wit at Prince Georges County afsd And this he prayed might be Enquired of by the —
Country And the said Thomas Brooks Esqr likewise. Whereupon for trying the Issues afsd —

(Contd)