Sheriff was Commanded that he should take the aforesaid Edward Scott if he should be found in his Bailiwick and him safe keep so that he should have his Body Before the Justices of this Court to be held at Annapolis the second Tuesday of April then next to satisfy unto the said plaintiff as well the Sum of two hundred and ninety two pounds two shillings and eleven pence Sterling certain Damages recovered against him Before the Justices of this Court on the second Tuesday of September then last as the Sums of one shilling Current Money and eight hundred and fifty four pounds and one quarter of a pound of Tobacco Costs of Suit whereof he the said Edward was Convict and that the same Sheriff should have here that Writ which same Writ of Capias ad satisfaciendum after the issuing and before the Day of the Return thereof was by the same plaintiff delivered to Thomas Smyth then Sheriff of Kent County aforesaid in due form of Law to be executed And he the same Thomas Smyth then Sheriff aforesaid afterwards to wit on the Day of — seventeen hundred and Being the Day of the Return of the Writ of Capias ad satisfaciendum aforesaid did return the same to the Court here thus endorsed to wit. Non est inventus Thomas Smyth Shff. As by the Record thereof now in Court here remaining fully appears And the aforesaid plaintiff further say that the aforesaid Edward Scott on the aforesaid Day of the Return of the Writ of Capias ad satisfaciendum aforesaid was alive to wit at Kent County aforesaid without that that the said Edward Scotton the same Day was Dead And this he is ready to Verify and so forth. Wherefore he prays Judgment and his Execution against the said William Murray & John Scott of his ~~Debt~~ Damages & Costs aforesaid to them to be adjudged and so forth. And the said plaintiff saith that he by any thing by the aforesaid William Murray and John Scott in their second plea above by pleading alledged from having his Execution aforesaid against them the said William Murray and John Scott of his Damages and Costs aforesaid to be precluded ought not because he saith that there is such Record of the Acknowledgment and undertaking aforesaid as the aforesaid plaintiff by the Writ of Sire facias aforesaid above supposeth and this the said plaintiff is ready to Verify by the said Record and the said William Murray and John Scott likewise. — And the aforesaid & John say that the first Replication of the plaintiff ~~ab~~ in manner and form as the same is above pleaded by the said plaintiff and the matters therein contained are not sufficient in Law for him the said plaintiff hath his Sire facias main=tained against them the said William & John to which Replication the said William & John are under no necessity nor by the Law of the Land are bound in any wise to Answer And this they are ready to Verify wherefore for want of a sufficient Replication in this Cause the said William & John pray Judgment and that the said plaintiff may be precluded from having his Execution against them & so forth. Nevertheless the aforesaid William Murray & John Scott by their Attorney aforesaid relinquishing the Averments above by them pretended say that they cannot Deny the Action aforesaid of the aforesaid Stephen Stone so as aforesaid against them brought nor but that there is Record of such Recovery

aforesaid

aforesaid Nor but that the said Stephen Stone ought to have his Execution against them the said William Murray and John Scott for the Damages and Costs above specified And because the said Defendants do not deny but the Allegations aforesaid are true he prays Judgment for Execution for the Damages & Costs aforesaid

Therefore it is Considered by the Justices here that the said Stephen Stone have his Execution against the said William Murray & John Scott for as well the aforesaid Sum of seventy nine pounds eighteen shillings Sterling Money of Great Britain his Damages aforesaid as the sum of one shilling Current Money and five hundred and forty four pounds and one half pound of Tobacco Costs and Charges aforesaid in the Writ of Sire facias aforesaid specified as also the Sum of pounds of Tobacco by the Court here unto the said Stephen Stone on his Assent adjudg=ed for his Costs and Damages sustained by Delay of Execution of the Judgment aforesaid & Wem. the plaintiff agrees to stay Execution till the 10th May next.

Test Rewardy Ghiselin Clk

Pl. Christopher Devonshire, William Reeve and Edward Loyd —

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Gg. M. William Murray & John Scott Bail of Edward Scott — —

Memorandum the plaintiffs fiud out his Lordships Writ of Sire facias the tenor whereof follows in these words. to wit. —

Maryland to wit. Frederick, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c To the Sheriff of Kent County Greeting Whereas a certain William Murray and John Scott of Kent County did Undertake for a certain Edward Scott late of Kent County for the sum of one thousand and seventy nine pounds four shillings Sterling Money of Great Britain, that in case a certain Christopher Devonshire, William Reeve and Edward Loyd should recover Judgment against the said Edward Scott in a certain Action of Trespass upon the Case then Depending before the Justices of our provincial Court or that the said Edward Scott should be therein Convict that then the said Edward should pay the Condemnation of the Court thereupon or render his Body to the Custody of the Sheriff of Kent County in satisfaction thereof or that they the said William Murray and John Scott would do it for him as by the recognizance of the said Bail Certified to the Justices of our Provincial Court held at Annapolis on the second Tuesday of September One thousand seven hundred and fifty one before John Brice Esq: Chief Justice of our same Court and others his Associates then Justices of our said Court and remaining upon Record manifestly appears And altho afterwards to wit on the second Tuesday of September Anno Domini One thousand seven hundred and fifty three in our said Court the said Christopher Devonshire, William Reeve and Edward Loyd recovered Judgment against the said Edward Scott in the plea aforesaid for as well the Sum of two hundred and ninety two pounds two shillings and eleven pence Sterling certain Damages as the Sum of one shilling Current Money and eight hundred and fifty four pounds and one Quarter of a pound of Tobacco by Consideration of the same Court Adjudged unto them the said Christopher Devonshire, William Reeve and Edward Loyd for their Costs and Charges by them about their Suit in that behalf laid out and expended as by the Record and

Process