

Liber M M ag^t Richard Smith Adm^r of Thomas Manning in August Court, that notwithstanding the said Judgem^t the said Richard utterly denied to pay yo^r pet^r pursuant thereunto, That yo^r pet^r in November Co^{rt} last went to Mr Bankes the then and full Clerke of the said Court for Execution thereupon who made out Execution by cap ad sat ag^t the body of the said Rich^d the Adm^r according to presidents there in like nature, and the said Richard being thereupon taken in Execution, the said Richard p^cured a supsedeas after Execution served to discharge his body by reason whereof yo^r pet^r is not only in danger to lose his debt but the benefit of his Judgem^t, obtained at his very great Charge & Expence of time, which supsedeas being graunted contrary to practise being after Execution served w^{ch} appearing yo^r pet^r humbly prayes that the supsedeas may be set aside and the said Richard may be againe taken in Execution.

Tho: Bland

And yo^r pet^r shall pray.

Upon the foregoing petition of Benjamin Cloyster, Exhibited to this Co^{rt} by the hand of Thomas Bland gent^l one of the Attorneys of this Co^{rt} & M^r John Morecroft Attorney for Smith who sued out the Supsedeas aforesayd being p^rsent in Co^{rt} and the case being fully argued by the said Attorneys of both sides, the Co^{rt} is all Clearly satisfyed and it is their Judgem^t that in this case a supsedeas ought to issue, the Execution being taken out wrong but that the p^{rt} may take out Execution ag^t the Estate of the Testato^r in the defend^{ts} hands if he thinke fit.

Then did the Sheriff of Charles County bring into this Court the bodyes of ffrancis Kilborne and Elizabeth his wife by him taken upon a writ of Cap ad sat at suite of Thomas Hussey issueing out of this Court, and returnable here this day w^{ch} said ffrancis & Elizabeth were by the Court comitted unto the said Sheriff of Charles County by him to be Kept in prison untill they should satisfy the said Thomas the sume of One hundred Thowsand pounds of Tobacco with costs of suite and the said ffrancis and Elizabeth in mercy &c.

p. 4 Then was Nicholas Best gent^l admitted and sworne one of the Attorneys of this Court and tooke his place accordingly.

40 s Benjamin Rozer } The Court fined Ignatius Courseene gent^l one of
 ag^t } the Coroners of Charles County the sume of forty
 Richard ffowke } shillings sterling for that he did not retorne this
 } writ it appearing to y^e Co^{rt} that he had received it.
 } After the Court Samuell Cressy returned the said
 } writ to the office Endorsed thus. The within
 } named Richard Fowke is not to be found in my
 } Baliwick
 } I Cawsine Coroner.