default and did not produce their reasons in arrest of the judgment. It was thereupon considered that the judgment be affirmed. [75]

In *Chapple* v. *Deakins,* an action of debt for 2000 pounds of tobacco heard in the August 1697 court, plaintiff had brought suit on a sealed bill obligatory in the amount of 1000 pounds of tobacco. Following a plea of the general issue, the jury returned a verdict that defendant did not owe plaintiff the sum sued for. When the defendant prayed judgment on the verdict, plaintiff moved that the court ought not to proceed to render judgment on the verdict because he had good cause to arrest the same and was granted twenty days to file his reasons. Accordingly, John Meriton filed three reasons in arrest of judgment. First, there was a variance between the original writ and the declaration which was an error in substance not aided by the verdict. Secondly, the plaintiff declared upon a bill obligatory under the hand and seal of defendant to which the defendant pleaded *nil debet* and put himself upon the country, and for special matter offered a verbal contract, contrary to the maxim in law that every contract, obligation or judgment ought to be dissolved or made void by the same means as it was made, which being matter of substance was not aided by the verdict. Thirdly, the jury, mistaking the issue, found a verdict quite outside the same and thus void in law, citing *Kayre* v. *Deurat,* Owen 91, in the Common Bench. For all which and many other errors in the proceedings plaintiff prayed that the verdict be stayed and held for naught. Decision was put off until the January 1697/8 term when the reasons in arrest of judgment were held "not Suffitient in Law" to stay judgment. However, Thomas Holliday and John White entered their dissent when the court thereupon proceeded to judgment. [76]

In one instance, at the March 1697/8 court, Charles Tracey came into court and acknowledged that certain debts sued for by James Brooke and Alexander Magruder were "justly due" whereupon the court ordered that judgment should be entered for the same. However, Tracey thereupon said that judgment ought not to pass against him at such court for the reasons that: first, this was only the appearance court; secondly, he could not have any attorney to plead for him unless he took one of the plaintiff's attorneys; thirdly, the declaration had not been left with him according to law. From later entries in the *Liber* for the same day it appears that the court paid no attention to Tracey's objections. [77]

Execution

In a number of cases after judgment rendered plaintiff to secure execution sued out a writ of *capias ad satisfaciendum*—the intent of which was to imprison the body of the debtor until satisfaction be made for the debt and damages or for damages. No contemporary *capias ad satisfaciendum* for Prince Georges County has been found. However, it is likely that the form used followed substantially the English and, in an action of debt, commanded the sheriff to take the defendant, if found in the sheriff's bailiwick, and keep him safely, so that he might have his body before the court at the next term to satisfy plaintiff for the amount of the debt which plaintiff had lately recovered against him and the amount adjudged for damages sustained, as well by occasion of the detention of the debt as for costs and charges to which he was put in his suit, the sheriff to have there then the writ.

The sheriff made various returns of these writs. If he did not find the defendant in his bailiwick, he would return the writ endorsed *"nonest"* (*non est inventus*).

75. *Infra* 124–25, 140.
76. *Infra* 233–34, 309–10. See also *Wakeling v. Davis, infra* 370.
77. *Infra* 328, 335–37.