

Such a return would allow the plaintiff to sue out process against the bail, if any were given. In other cases, the sheriff would return the writ endorsed "*Cepi Corpus*" or "*Cepi*" or "Custody", indicating he had taken the defendant into custody. In still other cases where the sheriff's return was "Satisfied", or "Countermanded", presumably the judgment was satisfied by defendant prior to return of the writ.

In several cases a writ of *capias ad satisfaciendum* was returned endorsed "Tardy", indicating that the sheriff had received the writ too late for service before the return date. In one case in the docket list the words "No Returne" appear opposite the writ where endorsements were usually noted. Whether this meant that the sheriff made no return whatsoever with respect to this writ is not clear. In two cases writs were returned endorsed "*Nulla Bona*". Since the writ was directed against the body of the defendant, these endorsements lack meaning. At the next term it appears that further writs were sued out in both cases and returned endorsed "Custody". Despite some confusion due to a clerical correction in the *Liber* it does not appear that "Made Known", the return used on writs of *scire facias*, was ever used in connection with a writ of *capias ad satisfaciendum*.⁷⁸

Little appears in the *Liber* as to the procedure upon the return of these writs. In *Jowles v. Bennett*, where the writ was returned "*Non est*", Josias Towgood came into court and undertook for John Bennett to pay the debt and costs to plaintiff in case the latter did not issue any more writs of *capias ad satisfaciendum* against defendant for such debt and costs.⁷⁹ In March 1697/8 it was represented that some sheriffs exacted excessive fees in connection with execution, charging 20 pounds of tobacco per day of detention for each execution with which a prisoner had been served.⁸⁰

In the case of execution in an action where money only was recovered the plaintiff, in English practice, instead of using a *capias ad satisfaciendum* might resort to execution against the goods and chattels of defendant, rather than his body, by means of a writ of *feri facias*. It appears that little use was made of this writ in Prince Georges County during the period with which we are concerned. Two writs of *feri facias* were returned in the March 1696/7 term endorsed "Satisfied" and "Countermanded" respectively. In the June 1698 term, in an action of debt, a writ of *feri facias* was returned endorsed "*Nulla bona*."⁸¹ No evidence appears of the use of a writ of *levari facias*, a writ of *elegit*, or an extent or *extendi facias*. Since these writs provided for satisfaction from lands or the profits from lands of defendant, it may be that the county courts lacked power to issue such writs. The several acts limiting fees of the clerks of the county courts and of the sheriffs refer only to an "execution."⁸²

It was also provided by the several statutes dealing with attachments that any person who obtained a judgment in any court of the province, instead of utilizing any other method of execution, might take out an attachment against the goods, chattels and credits of the defendant in plaintiff's own hands or in the hands of any other person, without complying with the conditions prescribed in the several acts. In the event neither defendant nor garnishee appeared to show cause to the contrary the court was authorized to condemn and award execution on the attached goods "to be had and made either by *Capias ad Satisfaciendum fieri facias* or other wise" as the plaintiff might have had against the defendant on the original judgment.⁸³

78. *Infra* 293, 321-22, 343-45, 391-92, 454-55, 486-88.

79. *Infra* 334.

80. 22 *MA* 21, 23-24.

81. *Infra* 157, 344.

82. 13 *MA* 510, 513; 22 *id.* 570.

83. 13 *id.* 524.