August Court 1708

James Smith — } Mr Philip Hopkins Esq. Mr Wm Potts Gent — Coms Bench
of } Dead in Sheriffs Custody for want of ~~Appear~~ bayle and the
Dond Kinslaugh } Said Dominick pleads as follows Viz

AND, ye Said Dominick by Christopher Philipson his Attly Comes & Defends ye Wrong & Injury when &c. And prays Judgment if the Said James to his Action aforesaid Shall be Answered Because he Saith that by vertue of an Act of Assembly of this Province now in force Entitled An Act for Limitation of Officers fees Among st other things it is provided that the Sevrall Clerks of the County Courts of whom the Said James is one Shall on any person Refuse to pay the fees by Said Act appointed Recov^d the Same by way of Execution against the Goods Tobacco, or Chattells of the person or persons Refusing Comes other Audit is farther provided that Such person or persons who Shall Refuse having no Tobacco to Pay unto Such Officer or Officers as Shall Collect the Same Such Goods Chattells it Shall be Lawfull for Such Officer or Officers to take the Body or Bodys of Such person or persons in Execution for the Same &c. Whereby it is Evident that no Common Capias by way of mesne process is allowable to be Issued against any person for and att the Suite of the Said James or Clerk of Such an Office for his fees Shu he is ready to verify Wherefore he prays Judgment as aforesaid &c. Philipson Pro Defto.

Which Said plea being read and Argued it is by ye Court here over Ruled — and thereupon the Same was Continued untill the next Court

UPON motion of Mr Michael Earle one of the Attys of this Court that a Writt be Returnable into this Court Immediately against John Beedle he being a person not always to be found and Indebted to Robert Gibson of this County Ordered by the Court here that the Clerk of this Court make out a Writt to be Returnable Immediately against John Beedle at the Suite Robert Gibson —

Robert Gibson } J. Clay ye } Regina } Verdict the Same is Confirmed
of } Sheriff returned } of
John Beedle } non Est Inventus } Mary Fillet